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Commander Geo. C. Remey U.S. Navy

19th March, 1877.

from J. W. Hogg. Esqr

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U. S. Laws, statutes, etc.

COMPILATION

OF

NAVY AND OTHER LAWS

FROM THE

REVISED STATUTES AND STATUTES AT LARGE

PASSED BY

THE FORTY-THIRD CONGRESS

ENDED

MARCH 4, 1875,

WITH

AN APPENDIX

CONTAINING SUCH PRIVATE AND GENERAL RELIEF-ACTS, ETC.,
AS ARE OF INTEREST TO THE NAVY.

PUBLISHED BY THE NAVY DEPARTMENT.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1875.

PREFACE.

This compilation is designed to embrace such laws of the United States as are of general interest to the Navy, the Marine Corps, and the Navy Department, and to present a more convenient book of reference than the Revised Statutes. The alphabetical arrangement of subjects is without regard to the Titles and Chapters of the Revised Statutes, although some of the Titles are the same. In the margin of each section, or group of sections, the number of the Title and the Chapter of the Revised Statutes to which they belong are given; and if the Title itself be desired, it can be found in the Table in the Appendix. In the Appendix will also be found Resolutions of Thanks, &c., in recognition of meritorious services, special relief-acts affecting the status of officers of the Navy, and general relief-acts not embraced in the Revised Statutes; also a copy of the original Constitution, with its amendments. The analytical index will aid in referring to subjects not forming a distinct heading.

LAWS RELATING TO THE NAVY, ETC.

1875.

ACCOUNTS.

See also DISBURSING OFFICERS AND EMBEZZLEMENT.

Sec.
191. Certified balances.
236. Public accounts to be settled in the Department of the Treasury.
237. Commencement of the fiscal year.
250. Settlement of accounts.
260. Reports upon appropriations for Departments of War and Navy.
273. Duties of the Second Comptroller.
274. Power of Second Comptroller to regulate payment of arrears of pay.
275. Signing bounty certificates, &c.
277. Duties of the Fourth Auditor.
283. Manner of keeping accounts of Departments of War and the Navy.
297. Auditors may administer oaths.
1766. Officers in arrears.

Title 4.

Certified balances.

SEC. 191. The balances which may from time to time be stated by the Auditor and certified to the heads of Departments by the Commissioner of Customs, or the Comptrollers of the Treasury, upon the settlement of public accounts, shall not be subject to be changed or modified by the heads of Departments, but shall be conclusive upon the executive branch of the Government, and be subject to revision only by Congress or the proper courts. The head of the proper Department, before signing a warrant for any balance certified to him by a Comptroller, may, however, submit to such Comptroller any facts in his judgment affecting the correctness of such balance, but the decision of the Comptroller thereon shall be final and conclusive, as hereinbefore provided.

Title 7, Chap. 1.

Public accounts to be settled in the Department of the Treasury.

SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.

Commencement of the fiscal year.

SEC. 237. The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, shall commence on the first day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year as thus established. The fiscal year for the adjustment of the accounts of the Secretary of the Senate for compensation and traveling expenses of Senators shall extend to and include the third day of July.

Title 7, Chap. 2.

Settlement of accounts within fiscal year.

SEC. 250. The Secretary of the Treasury shall cause all accounts of the expenditure of public money to be settled within each fiscal year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary; and in respect to expenditures at such places, the Secretary of the Treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required.

Reports upon appropriations for Departments of War and Navy.

SEC. 260. The Secretary of the Treasury shall lay before Congress at the commencement of each regular session, accompanying his annual statement of the public expenditure, the reports which may be made to him by the Auditors charged with the examination of the accounts of the Department of War and the Department of the Navy, respectively, showing the application of the money appropriated for those Departments for the preceding year.

Title 7, Chap. 3.

Duties of the Second Comptroller.

SEC. 273. It shall be the duty of the Second Comptroller:

First. To examine all accounts settled by the Second, Third, and Fourth Auditors, and certify the balances arising thereon to the Secretary of the Department in which the expenditure has been incurred.

Second. To countersign all warrants drawn by the Secretaries of War and of the Navy, which shall be warranted by law, [See § 3673, APPROPRIATIONS.]

Third. To report to the Secretaries of War and of the Navy the official forms to be issued in the different offices for disbursing the public money in those Departments, and the manner and form of keeping and stating the accounts of the persons employed therein.

Fourth. To superintend the preservation of the public accounts subject to his revision.

Power of Second Comptroller to regulate payment of arrears of pay.

SEC. 274. The Second Comptroller may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer, on board any vessel in the employ of the United States, which has been sunk or destroyed, in case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same.

Signing bounty certificates, &c.

SEC. 275. The Second Comptroller may detail one clerk to sign, in the place of the Comptroller, all certificates and papers issued under any provisions of law relating to bounties; but the Comptroller shall be responsible for the official acts of such clerk. .

Title 7, Chap. 4.

SEC. 277. The duties of the Auditors shall be:

* * * * * * *

Fifth. The Fourth Auditor shall receive and examine all accounts accruing in the Navy Department or relative thereto, and all accounts relating to Navy pensions; and, after examination of such accounts, he shall certify the balances, and shall transmit such accounts, with the vouchers and certificate, to the Second Comptroller for his decision thereon.

Manner of keeping accounts of Departments of War and the Navy.

SEC. 283. The Auditors charged with the examination of the accounts of the Departments of War and of the Navy shall keep all accounts of the receipts and expenditures of the public money in regard to those Departments, and of all debts due to the United States on moneys advanced relative to those Departments; shall receive from the Second Comptroller the accounts which shall have been finally adjusted, and shall preserve such accounts, with their vouchers and certificates, and record all requisitions drawn by the Secretaries of those Departments, the examination of the accounts of which has been assigned to them. They shall annually, on the first Monday in November, severally report to the Secretary of the Treasury the application of the money appropriated for the Department of War and the Department of the Navy, and they shall make such reports on the business assigned to them as the Secretaries of those Departments may deem necessary and require.

Auditors may administer oaths.

SEC. 297. The several Auditors are empowered to administer oaths to witnesses in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

Title 19.

Officers in arrears.

SEC. 1766. No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.

ADMIRALS.

See LINE OFFICERS.

ADVANCES AND LOANS OF PUBLIC MONEY.

Sec.
1389. Loans by paymasters.
1563. Advances to persons on distant stations.
Sec.
3648. Advances of public moneys prohibited.

Title 15, Chap. 1.

Loans to officers by paymasters.

SEC. 1389. It shall not be lawful for any paymaster, passed assistant paymaster, or assistant paymaster to advance or loan, under any pretense whatever, to any officer in the naval service, any sum of money

public or private, or any credit, or any article or commodity whatever.

Title 15, Chap. 8.
Advances to persons on distant stations.

SEC. 1563. The President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the naval service as may be employed on distant stations where the discharge of the pay and emoluments to which they are entitled cannot be regularly effected.

Title 40.
Advances of public moneys prohibited.

SEC. 3648. No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected.

ADVERTISEMENTS—PUBLIC PRINTING.

See also under CONTRACTS and PUBLIC DOCUMENTS.

Sec.
853. Printers' fees.
854. Meaning of folio.
3823. Clerk of House to select newspapers in certain States, &c.
3824. Heads of Departments and judges to be notified and to publish only in such papers.
3825. Rates of pay in all the States for publishing the laws.
3826. Advertisements in Washington, D. C.
3828. No advertisement without authority.

Title 13, Chap. 16.
Printers' fees.

SEC. 853. For publishing any notice, or order, required by law, or the lawful order of any court, Department, Bureau, or other person, in any newspaper, except as mentioned in sections thirty-eight hundred and twenty-three, thirty-eight hundred and twenty-four, and thirty-eight hundred and twenty-five, Title, "PUBLIC PRINTING, ADVERTISEMENTS, AND PUBLIC DOCUMENTS," forty cents per folio for the first insertion, and twenty cents per folio for each subsequent insertion. The compensation herein provided shall include the furnishing of lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making such publication.

Meaning of folio.

SEC. 854. The term folio, in this chapter, shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio; but a less number than fifty words shall not be counted, except when the whole statute, notice, or order contains less than fifty words.

Title 45.
Clerk of House to select newspapers in certain States to publish laws, &c.

SEC. 3823. The Clerk of the House of Representatives shall select in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, one or more newspapers, not exceeding the number allowed by law, in which such treaties and laws* of the United States as may be ordered for publication in newspapers according to law shall be published, and in some one or more of which so selected all such advertisements as may be ordered for publication in said districts by any United States court or judge thereof, or by any officer of such courts, or by any executive officer of the United States, shall be published, the compensation for which, and other terms of publication, shall be fixed by said Clerk at a rate not exceeding two dollars per page for the publication of treaties and laws, and not exceeding one dollar per square of eight lines of space, for the publication of advertisements, the accounts for which shall be adjusted by the proper accounting officers, and paid in the manner now authorized by law in the like cases. [See § 204, Dept. of State.]

* The act of February 18, 1875, amending the revised statutes, prohibits the publishing of the laws in newspapers after March 4, 1875.

Heads of Departments and judges to be notified, and to publish only in such newspapers.

SEC. 3824. The Clerk shall notify each head of the several Executive Departments, and each judge of the United States courts therein, of the papers selected by him in accordance with the provisions of the preceding section, and thereafter it shall be the duty of the several executive officers charged therewith to furnish to such selected papers only, an authentic copy of the publications to be made as aforesaid; and no money appropriated shall be paid for any publications or advertisements hereafter to be made in said districts, nor shall any such publication or advertisement be ordered by any Department or public officer otherwise than as herein provided. [See § 853, *ante*.]

Rates of pay in all the States for publishing laws.

SEC. 3825. The rates fixed in section thirty-eight hundred and twenty-three, to be paid for the publication of the treaties and laws of the United States in the States therein designated, shall also be paid for the same publications in all the States not designated in that section. [See § 79.*]

Advertisements in Washington, D. C.

SEC. 3826. All advertisements,† notices, and proposals for contracts for all the Executive Departments of the Government, and the laws passed by Congress, and executive proclamations and treaties to be published in the District of Columbia, Maryland, and Virginia, shall hereafter be advertised by publication in the three daily papers published in the District of Columbia having the largest circulation, one of which shall be selected by the Clerk of the House of Representatives, and in no others. The charges for such publications shall not be higher than such as are paid by individuals for advertising in said papers, and the same publications shall be made in each of the said papers equally as to frequency: *Provided*, That no advertisement to any State, district, or Territory, other than the District of Columbia, Maryland, or Virginia, shall be published in the papers designated, unless at the direction first made of the proper head of a Department: *And provided further*, That this section shall not be construed to allow a greater compensation for the publication of the laws passed by Congress and executive proclamations and treaties in the papers of the District of Columbia than is provided by law for such publications in other papers.

No advertisement without authority.

SEC. 3828. No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising, or publication, shall be paid, unless there be presented, with such bill, a copy of such written authority.

AGRICULTURAL DEPARTMENT.

See DEPARTMENT OF AGRICULTURE.

ALIEN ENEMIES.

See also under NATURALIZATION.

Sec.
4067. Removal of alien enemies.
4068. Time for removal.
4069. Jurisdiction of United States courts over alien enemies.
4070. Duties of marshals in removing alien enemies.

Title 47.

Removal of alien enemies.

SEC. 4067. Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upward, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The Presi-

* Section 79, as amended, reads, "after the 4th day of March, 1875, the publication of the laws in newspapers shall cease."

† *Act making appropriations for the Post-Office Department.*

R. S. s. 3826, p. 754, repealed in part.

* * * And so much of section three thousand eight hundred and twenty-six of the Revised Statutes of the United States as refers to the publication of advertisements in newspapers be, and the same is hereby, repealed. Approved March 3, 1875.

dent is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

Time for removal.

SEC. 4068. When an alien who becomes liable as an enemy, in the manner prescribed in the preceding section, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

Jurisdiction of United States courts over alien enemies.

SEC. 4069. After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized, and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed.

Duties of marshal in removing alien enemies.

SEC. 4070. When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor, and to execute such order in person, or by his deputy, or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be.

APPROPRIATIONS—ESTIMATES.

Sec.
430. Estimates for expenses.
3660. Manner of communicating estimates.
3661. Estimates for printing and binding.
3662. Estimates for salaries.
3663. Requisites of estimates for appropriations for public works.
3664. What additional explanations are required.
3665. Amount of outstanding appropriation to be designated.
3666. Items of expenditure to be specified in estimates and accounts.
3667. Estimates of claims, &c., on Navy pension-fund.
3669. Estimates to be submitted to Congress.
3670. What statements shall accompany estimates.
3672. Sales of public property to be included in book of estimates.
3673. Drafts of War and Navy Departments.
Sec.
3675. Form of drawing and charging warrants.
3676. Appropriations for Navy controlled by Secretary; for each Bureau to be kept separately.
3678. Application of moneys appropriated.
3679. No expenditures beyond appropriations.
3681. Expenses of commissions and inquiries.
3682. Contingent, &c., expenses.
3683. Restriction on purchasing from contingent fund.
3685. Light-house appropriations.
3686. Foreign hydrographic surveys.
3689. Permanent indefinite appropriations.
3690. Expenditure of balances of appropriations.
3691. Disposal of balances after two years.
3692. Proceeds of certain sales of material.
—— Unexpended balances of appropriations.
—— Estimates to be furnished Secretary of Treasury by October 1.

Title 10.

Estimates for expenses.

SEC. 430. All estimates for specific, general, and contingent expenses of the Department, and of the several Bureaus, shall be furnished to the Secretary of the Navy by the chiefs of the respective Bureaus.

[See § 3666, POST.]

Title 41.

Manner of communicating estimates.

SEC. 3660. The heads of Departments, in communicating estimates of expenditures and appropriations to Congress, or to any of the committees thereof, shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.

Estimates for printing and binding.

SEC. 3661. The head of each of the Executive Departments, and every other public officer who is authorized to have printing and binding done at the Congressional Printing-Office for the use of his Department or public office, shall include in his annual estimate for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Congressional Printer." [See § 3802, PUBLIC DOCUMENTS.]

Estimates for salaries.

SEC. 3662. All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution.

Requisites for estimates for appropriation for public works.

SEC. 3663. Whenever any estimate submitted to Congress by the head of a Department asks an appropriation for any new specific expenditure, such as the erection of a public building, or the construction of any public work, requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plan and detailed estimates of the cost of the whole work. All subsequent estimates for any such work shall state the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimate is made. And if the amount asked is in excess of the original estimate, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated. [See § 3734, CONTRACTS.]

What additional explanations are required.

SEC. 3664. Whenever the head of a Department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added.

Amount of outstanding appropriations to be designated.

SEC. 3665. The head of each Department, in submitting to Congress his estimates of expenditures required in his Department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure.

Items of expenditure to be specified in estimates and accounts.

SEC. 3666. The estimates for expenditures required by the Department of the Navy for the following purposes shall be given in detail, and the expenditures made under appropriations therefor shall be accounted for so as to show the disbursements of each Bureau under each respective appropriation:

First. Freight and transportation.

Second. Printing and stationery.

Third. Advertising in newspapers.

Fourth. Books, maps, models, and drawings.

Fifth. Purchase and repair of fire-engines and machinery.

Sixth. Repairs of and attending to steam-engines in navy-yards.

Seventh. Purchase and maintenance of horses and oxen, and driving teams.

Eighth. Carts, timber-wheels, and the purchase and repair of workmen's tools.

Ninth. Postage of public letters.

Tenth. Fuel, oil, and candles for navy-yards and shore-stations.

Eleventh. Pay of watchmen and incidental labor not chargeable to any other appropriation.

Twelfth. Transportation to, and labor attending the delivery of provisions and stores on foreign stations.

Thirteenth. Wharfage, dockage, and rent.

Fourteenth. Traveling expenses of officers and others under orders.

Fifteenth. Funeral expenses.

Sixteenth. Store and office rent, fuel, commissions, and pay of clerks to navy-agents and store-keepers.

Seventeenth. Flags, awnings, and packing-boxes.

Eighteenth. Premiums and other expenses of recruiting.

Nineteenth. Apprehending deserters.

Twentieth. Per-diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law.

Twenty-first. Pilotage and towage of vessels, and assistance to vessels in distress.

Twenty-second. Bills of health and quarantine expenses of vessels of the United States Navy in foreign ports. [See § 430, *ante*.]

Estimate of claims, &c., on Navy pension-fund.

SEC. 3667. The Secretary of the Navy shall annually submit to Congress estimates of the claims and demands chargeable upon and payable out of the naval pension fund.

Estimates to be submitted to Congress.

SEC. 3669. All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the book of estimates prepared under his direction.

What statements shall accompany estimates.

SEC. 3670. The Secretary of the Treasury shall annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year, which may have been made by former acts.

Statement of proceeds of sales of old material.

SEC. 3672. A detailed statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind shall be included in the appendix to the book of estimates.

Drafts for War and Navy Departments.

SEC. 3673. All moneys appropriated for the use of the War and Navy Departments shall be drawn from the Treasury, by warrants of the Secretary of the Treasury, upon the requisitions of the Secretaries of those Departments, respectively, countersigned by the Second Comptroller of the Treasury, and registered by the proper Auditor. [See §§ 273, 277, under ACCOUNTS.]

Form of drawing and charging warrants.

SEC. 3675. All warrants drawn by the Secretary of the Treasury, upon the Treasurer of the United States, shall specify the particular appropriation to which the same should be charged; and the moneys paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation in the books of the Secretary, First Comptroller, and Register.

Appropriation for Navy controlled by Secretary; for each Bureau to be kept separately.

SEC. 3676. All appropriations for specific, general, and contingent expenses of the Navy Department shall be under the control and expended by the direction of the Secretary of the Navy, and the appropriation for each Bureau shall be kept separate in the Treasury.

Applications of moneys appropriated.

SEC. 3678. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

No expenditures beyond appropriations.

SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations. [See §§ 3733, 5503, CONTRACTS.]

Expenses of commissions and inquiries.

SEC. 3681. No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President.

Restrictions on contingent, &c., appropriations.

SEC. 3682. No moneys appropriated for contingent, incidental, or miscellaneous purposes, shall be expended or paid for official or clerical compensation.

Upon purchases from contingent funds.

SEC. 3683. No part of the contingent fund appropriated to any Department, Bureau, or office, shall be applied to the purchase of any articles except such as the head of the Department shall deem necessary and proper to carry on the business of the Department, Bureau, or

office, and shall, by written order, direct to be procured. [See CONTINGENT FUND.]

Light-houses.

SEC. 3685. Appropriations for establishing light-houses shall be available for expenditure for two years after acts of State legislatures ceding jurisdiction over sites take effect. This section shall not, however, apply to general appropriations for light-house purposes. In no case shall any special appropriation be available for more than two years without further provision of law. [See June 20, 1874, *post.*]

Foreign hydrographic surveys.

SEC. 3686. All appropriations made for the preparation or publication of foreign hydrographic surveys shall only be applicable to their object, upon the approval by the Secretary of the Navy, after a report from three competent naval officers, to the effect that the original data for proposed charts are such as to justify their publication; and it is hereby made the duty of the Secretary of the Navy to order a board of three naval officers to examine and report upon the data, before he shall approve of any application of money to the preparation or publication of such charts or hydrographic surveys.

Permanent indefinite appropriations.

SEC. 3689. There are appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes hereinafter specified, such sums as may be necessary for the same respectively; and such appropriations shall be deemed permanent annual appropriations.

Allowance for reduction of wages under eight-hour law:

Of such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government, between the twenty-fifth day of June, eighteen hundred and sixty-eight, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the nineteenth day of May, eighteen hundred and sixty-nine, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages. [See § 3738, CONTRACTS.]

Indemnity to seamen and marines for lost clothing:

To allow and pay to each person, not an officer, employed on a vessel of the United States, sunk or otherwise destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars. In the event of the death of the person, this sum is to be paid to his proper legal representatives.

Prize-money to captors:

For one moiety of the proceeds of prizes captured by vessels of the United States, to be distributed to the officers and crews thereof, in conformity to the provisions of Title "PRIZE;" also, the proceeds of derelict and salvage cases adjudged by the courts of the United States to salvors.

Expenditure of balances of appropriations.

SEC. 3690. All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations. [See § 3685.]

Disposal of balances after two years.

SEC. 3691. All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury, whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his Office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his Office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated. [See June 29, 1874, *post.*]

Proceeds of certain sales, &c., of material.

SEC. 3692. All moneys received from the leasing or sale of marine hospitals, or the sale of revenue-cutters, or from the sale of commissary stores to the officers and enlisted men of the Army, or from sales of condemned clothing of the Navy, or from sales of materials, stores, or sup-

plies to any exploring or surveying expedition authorized by law, shall respectively revert to that appropriation out of which they were originally expended, and shall be applied to the purposes for which they are appropriated by law.

LEGISLATIVE AND EXECUTIVE APPROPRIATION ACT.

June 20, 1874.

Unexpended balances to be covered into the Treasury.

Exceptions, to continue available.

Existing contracts not affected.

Report to Congress.

SEC. 5. That from and after the first day of July, eighteen hundred and seventy-four, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress, and this provision shall not apply to any unexpended balance of the appropriation made by the act approved December twenty-first, eighteen hundred and seventy-one, for expenses that may be incurred under articles one to nine of the treaty with Great Britain concluded May eighth, eighteen hundred and seventy-one, which balance the act approved March third, eighteen hundred and seventy-three, authorized to be expended to enable the President to fulfill the stipulations contained in the twentieth, twenty-second, twenty-third, twenty-fourth, and twenty-fifth articles of said treaty: *And provided further*, That this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act; and the Secretary of the Treasury shall, at the beginning of each session, report to Congress, with his annual estimates, any balances of appropriations for specific objects affected by this section that may need to be re-appropriated.

LEGISLATIVE AND EXECUTIVE APPROPRIATION ACT.

March 3, 1875.

Estimates, when to be furnished.

Extracts from reports to be included in appendix to estimates.

SEC. 3. That it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the first day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction; and the Secretary of the Treasury shall submit, as a part of the appendix to the Book of Estimates, such extracts from the annual reports of the several heads of Departments and Bureaus as relate to estimates for appropriations, and the necessities therefor.

ARREARS.

Sec.
274. Arrears of pay to deceased persons.
Sec.
1766. Officers in arrears.

Title 7, Chap. 3.

Arrears of pay to deceased persons.

SEC. 274. The Second Comptroller may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer, on board any vessel in the employ of the United States, which has been sunk or destroyed, in case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same.

Title 19.

Officers in arrears.

SEC. 1766. No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.

ARSON OF PUBLIC BUILDINGS, &c.

Sec.
5385. Arson of dwelling within a fort, &c.
5386. Arson of armory, arsenal, &c.
Sec.
5387. Arson of vessel of war.

Title 70, Chap. 3.

Arson of dwelling-house within a fort, &c.

SEC. 5385. Every person who, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is under the jurisdiction of the United States, or on the site of any light-house, or other needful building belonging to the United States, the site whereof is under their

jurisdiction, willfully and maliciously burns any dwelling-house, or mansion-house, or any store, barn, stable, or other building, parcel of any dwelling or mansion-house, shall suffer death.

Arson of armory, arsenal, &c.

SEC. 5386. Every person who, in any of the places mentioned in the preceding section, maliciously sets fire to, or burns, any arsenal, armory, magazine, rope-walk, ship-house, warehouse, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling-house, or any other building not mentioned in such section, or any vessel built, or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

Arson of vessel of war.

SEC. 5387. Every person who maliciously sets on fire, or burns, or otherwise destroys, any vessel of war of the United States, afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, shall suffer death.

ARTICLES FOR THE GOVERNMENT OF THE NAVY.

Sec.
1624. Articles established.

Art.
1. Commander's duties of supervision and correction.
2. Divine service.
3. Irreverent behavior.
4. Offenses punishable by death:
   1. Mutiny.
   2. Disobedience of orders.
   3. Striking superior officer.
   4. Intercourse with an enemy.
   5. Messages from an enemy.
   6. Desertion in time of war.
   7. Deserting trust.
   8. Sleeping on watch.
   9. Leaving station.
   10. Willful stranding or injury of vessel.
   11. Unlawful destruction of public property.
   12. Striking flag or treacherously yielding.
   13. Cowardice in battle.
   14. Deserting duty in battle.
   15. Neglecting orders to prepare for battle.
   16. Neglecting to clear for action.
   17. Neglecting to join on signal for battle.
   18. Failing to encourage the men to fight.
   19. Failing to seek encounter.
   20. Failing to afford relief in battle.
5. Spies.
6. Murder.
7. Imprisonment in penitentiary.
8. Offenses punishable at discretion of court-martial:
   1. Profanity, falsehood, &c.
   2. Cruelty.
   3. Quarreling.
   4. Fomenting quarrels.
   5. Duels.
   6. Contempt of superior officer.
   7. Combinations against superior officer.
   8. Mutinous words.
   9. Neglect of orders.
   10. Preventing destruction of public property.
   11. Negligent stranding.
   12. Negligence in convoy service.

Art.
   13. Receiving articles for freight.
   14. False muster.
   15. Waste of public property, &c.
   16. Plundering on shore.
   17. Refusing to apprehend offenders.
   18. Refusing to receive prisoners.
   19. Absence from duty without leave.
   20. Violating general orders or regulations.
   21. Desertion in time of peace.
   22. Harboring deserters.
9. Officers absent without leave may be reduced.
10. Desertion by resignation.
11. Dealing in supplies on private account.
12. Importing dutiable goods in public vessels.
13. Distilled spirits only as medical stores.
14. Certain crimes of fraud against the United States.
15, 16, and 17, under PRIZE.
18. Returning fugitives from service.
19. Enlisting deserters, minors, &c.
20. Duties of commanding officers:
   1. Men received on board.
   2. List of officers, men, and passengers.
   3. Deaths and desertions.
   4. Property of deceased persons.
   5. Accounts of men received.
   6. Accounts of men sent from the ship.
   7. Inspection of provisions.
   8. Health of the crew.
   9. Attendance at final payment of the crew.
   10. Articles for the government of the Navy. Punishment for offending against this article.
21. Authority of officers after loss of vessel.
22. Offenses not specified.
23. Offenses committed on shore.
24. Punishments by order of commander.
25. Punishment by officer temporarily commanding.
26 to 35, under SUMMARY COURT-MARTIAL.
36. Dismissal of officers.
37. Officers dismissed by President may demand trial.
38 to 54, under GENERAL COURTS-MARTIAL.
55 to 60, under COURTS OF INQUIRY.

Title 15, Chap. 10.

Articles established.

SEC. 1624. The Navy of the United States shall be governed by the following articles:

Commander's duty of supervision and correction.

ARTICLE 1. The commanders of all fleets, squadrons, naval stations, and vessels belonging to the Navy, are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and any such commander

who offends against this article shall be punished as a court-martial may direct.

ART. 2. The commanders of vessels and naval stations to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God. Divine service.

ART. 3. Any irreverent or unbecoming behavior during divine service shall be punished as a general or summary court-martial may direct. Irreverent behavior.

ART. 4. The punishment of death, or such other punishment as a court-martial may adjudge, may be inflicted on any person in the naval service— Offenses punishable by death.

First. Who makes, or attempts to make, or unites with any mutiny or mutinous assembly, or, being witness to or present at any mutiny, does not do his utmost to suppress it; or, knowing of any mutinous assembly or of any intended mutiny, does not immediately communicate his knowledge to his superior or commanding officer; Mutiny.

Second. Or disobeys the lawful orders of his superior officer; Disobedience of orders.

Third. Or strikes or assaults, or attempts or threatens to strike or assault, his superior officer while in the execution of the duties of his office; Striking superior officer.

Fourth. Or gives any intelligence to, or holds or entertains any intercourse with, an enemy or rebel, without leave from the President, the Secretary of the Navy, the commander-in-chief of the fleet, the commander of the squadron, or, in case of a vessel acting singly, from his commanding officer; Intercourse with an enemy.

Fifth. Or receives any message or letter from an enemy or rebel, or, being aware of the unlawful reception of such message or letter, fails to take the earliest opportunity to inform his superior or commanding officer thereof; Messages from an enemy.

Sixth. Or, in time of war, deserts or entices others to desert; [See §§ 1996–1998, CITIZENSHIP;] Desertion in time of war.

Seventh. Or, in time of war, deserts or betrays his trust, or entices or aids others to desert or betray their trust; Deserting trust.

Eighth. Or sleeps upon his watch; Sleeping on watch.

Ninth. Or leaves his station before being regularly relieved; Leaving station.

Tenth. Or intentionally or willfully suffers any vessel of the Navy to be stranded, or run upon rocks or shoals, or improperly hazarded; or maliciously or willfully injures any vessel of the Navy, or any part of her tackle, armament, or equipment, whereby the safety of the vessel is hazarded or the lives of the crew exposed to danger; Willful stranding or injury of vessel.

Eleventh. Or unlawfully sets on fire, or otherwise unlawfully destroys, any public property not at the time in possession of an enemy, pirate, or rebel; Unlawful destruction of public property.

Twelfth. Or strikes or attempts to strike the flag to an enemy or rebel, without proper authority, or, when engaged in battle, treacherously yields or pusillanimously cries for quarters; Striking flag or treacherously yielding.

Thirteenth. Or, in time of battle, displays cowardice, negligence, or disaffection, or withdraws from or keeps out of danger to which he should expose himself; Cowardice in battle.

Fourteenth. Or, in time of battle, deserts his duty or station, or entices others to do so; Deserting duty in battle.

Fifteenth. Or does not properly observe the orders of his commanding officer, and use his utmost exertions to carry them into execution, when ordered to prepare for or join in, or when actually engaged in, battle, or while in sight of an enemy; Neglecting orders to prepare for battle.

Sixteenth. Or, being in command of a fleet, squadron, or vessel acting singly, neglects, when an engagement is probable, or when an armed vessel of an enemy or rebel is in sight, to prepare and clear his ship or ships for action; Neglecting to clear for action.

Seventeenth. Or does not, upon signal for battle, use his utmost exertions to join in battle; Neglecting to join on signal for battle.

Eighteenth. Or fails to encourage, in his own person, his inferior officers and men to fight courageously; Failing to encourage the men to fight.

Nineteenth. Or does not do his utmost to overtake and capture or destroy any vessel which it is his duty to encounter; Failing to seek encounter.

Failing to afford relief in battle.

Twentieth. Or does not afford all practicable relief and assistance to vessels belonging to the United States or their allies when engaged in battle.

Spies.

ART. 5. All persons who, in time of war, or of rebellion against the supreme authority of the United States, come or are found in the capacity of spies, or who bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the Navy to betray his trust, shall suffer death, or such other punishment as a court-martial may adjudge.

Murder.

ART. 6. If any person belonging to any public vessel of the United States commits the crime of murder without the territorial jurisdiction thereof, he may be tried by court-martial and punished with death.

Imprisonment in a penitentiary.

ART. 7. A naval court-martial may adjudge the punishment of imprisonment for life, or for a stated term, at hard labor, in any case where it is authorized to adjudge the punishment of death; and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or which the United States may be allowed, by the legislature of any State, to use; and persons so imprisoned in the prison or penitentiary of any State or Territory shall be subject, in all respects, to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which the same may be situated.

Offenses punishable at discretion of court-martial.

ART. 8. Such punishment as a court-martial may adjudge may be inflicted on any person in the Navy—

Profanity, falsehood, &c.

First. Who is guilty of profane swearing, falsehood, drunkenness, gambling, fraud, theft, or any other scandalous conduct tending to the destruction of good morals;

Cruelty.

Second. Or is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders;

Quarreling.

Third. Or quarrels with, strikes, or assaults, or uses provoking or reproachful words, gestures, or menaces toward, any person in the Navy;

Fomenting quarrels.

Fourth. Or endeavors to foment quarrels between other persons in the Navy;

Duels.

Fifth. Or sends or accepts a challenge to fight a duel or acts as a second in a duel;

Contempt of superior officer.

Sixth. Or treats his superior officer with contempt, or is disrespectful to him in language or deportment, while in the execution of his office;

Combinations against superior officer.

Seventh. Or joins in or abets any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer;

Mutinous words.

Eighth. Or utters any seditious or mutinous words;

Neglect of orders.

Ninth. Or is negligent or careless in obeying orders, or culpably inefficient in the performance of duty;

Preventing destruction of public property.

Tenth. Or does not use his best exertions to prevent the unlawful destruction of public property by others;

Negligent stranding.

Eleventh. Or, through inattention or negligence, suffers any vessel of the Navy to be stranded, or run upon a rock or shoal, or hazarded;

Negligence in convoy service.

Twelfth. Or, when attached to any vessel appointed as convoy to any merchant or other vessels, fails diligently to perform his duty, or demands or exacts any compensation for his services, or maltreats the officers or crews of such merchant or other vessels;

Receiving articles for freight.

Thirteenth. Or takes, receives, or permits to be received, on board the vessel to which he is attached, any goods or merchandise, for freight, sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping; or demands or receives any compensation for the receipt or transportation of any other article than gold, silver, or jewels, without authority from the President or Secretary of the Navy;

False muster.

Fourteenth. Or knowingly makes or signs, or aids, abets, directs, or procures the making or signing of, any false muster;

Waste of public property, &c.

Fifteenth. Or wastes any ammunition, provisions, or other public property, or, having power to prevent it, knowingly permits such waste;

Plundering on shore.

Sixteenth. Or, when on shore, plunders, abuses, or maltreats any inhabitant, or injures his property in any way;

Refusing to apprehend offenders.

Seventeenth. Or refuses, or fails to use, his utmost exertions to detect, apprehend, and bring to punishment all offenders, or to aid all persons appointed for that purpose;

Refusing to receive prisoners.

Eighteenth. Or, when rated or acting as master-at-arms, refuses to receive such prisoners as may be committed to his charge, or, having

received them, suffers them to escape, or dismisses them without orders from the proper authority;

Nineteenth. Or is absent from his station or duty without leave, or after his leave has expired; — Absence from duty without leave.

Twentieth. Or violates or refuses obedience to any lawful general order or regulation issued by the Secretary of the Navy; — Violating general orders or regulations.

Twenty-first. Or, in time of peace, deserts or attempts to desert, or aids and entices others to desert; [See §§ 1996-1998, CITIZENSHIP] — Desertion in time of peace.

Twenty-second. Or receives or entertains any deserter from any other vessel of the Navy, knowing him to be such, and does not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander-in-chief, or to the commander of the squadron. — Harboring deserters.

ART. 9. Any officer who absents himself from his command without leave may, by the sentence of a court-martial, be reduced to the rating of an ordinary seaman. — Officer absent without leave may be reduced.

ART. 10. Any commissioned officer of the Navy or Marine Corps who, having tendered his resignation, quits his post or proper duties without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of such resignation, shall be deemed and punished as a deserter. — Desertion by resignation.

ART. 11. No person in the naval service shall procure stores or other articles or supplies for, and dispose thereof to, the officers or enlisted men on vessels of the Navy, or at navy-yards or naval stations, for his own account or benefit. — Dealing in supplies on private account.

ART. 12. No person connected with the Navy shall, under any pretense, import in a public vessel any article which is liable to the payment of duty. — Importing dutiable goods in public vessels.

ART. 13. Distilled spirits shall be admitted on board of vessels of war only upon the order and under the control of the medical officers of such vessels, and to be used only for medical purposes. — Distilled spirits only as medical stores.

ART. 14. Fine and imprisonment, or such other punishment as a court-martial may adjudge, shall be inflicted upon any person in the naval service of the United States— — Certain crimes of fraud against the United States.

Who presents or causes to be presented to any person in the civil, military, or naval service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or — Presenting false claims.

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or — Agreement to obtain payment of false claims.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or — False papers.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or — Perjury.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or — Forgery.

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the naval service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or — Delivering less property than receipt calls for.

Who, being authorized to make or deliver any paper certifying the receipt of any money or other property of the United States, furnished or intended for the naval service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or — Giving receipts without knowing truth of.

Stealing, wrongfully selling, &c. Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully and knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money or other property of the United States, furnished or intended for the military or naval service thereof; or

Buying public military property. Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any other person who is a part of or employed in said service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such other person not having lawful right to sell or pledge the same; or

Who executes, attempts, or countenances any other fraud against the United States.

And if any person, being guilty of any of the offenses described in this article while in the naval service, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed. [See Articles 15, 16, and 17 under PRIZE.]

Returning fugitives from service. ART. 18. If any officer or person in the naval service employs any of the forces under his command for the purpose of returning any fugitive from service or labor, he shall be dismissed from the service.

Enlisting deserters, minors, &c. ART. 19. Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, shall be dishonorably dismissed from the service of the United States. [See §§ 1418, 1419, SEAMEN, NAVY.]

Duties of commanding officers. ART. 20. Every commanding officer of a vessel in the Navy shall obey the following rules:

Men received on board. First. Whenever a man enters on board, the commanding officer shall cause an accurate entry to be made in the ship's books, showing his name, the date, place, and term of his enlistment, the place or vessel from which he was received on board, his rating, his descriptive list, his age, place of birth, and citizenship, with such remarks as may be necessary.

List of officers, men, and passengers. Second. He shall, before sailing, transmit to the Secretary of the Navy a complete list of the rated men under his command, showing the particulars set forth in rule one, and a list of officers and passengers, showing the date of their entering. And he shall cause similar lists to be made out on the first day of every third month and transmitted to the Secretary of the Navy as opportunities occur, accounting therein for any casualty which may have happened since the last list.

Deaths and desertions. Third. He shall cause to be accurately minuted on the ship's books the names of any persons dying or deserting, and the times at which such death or desertion occurs.

Property of deceased persons. Fourth. In case of the death of any officer, man, or passenger on said vessel, he shall take care that the paymaster secures all the property of the deceased, for the benefit of his legal representatives.

Accounts of men received. Fifth. He shall not receive on board any man transferred from any other vessel or station to him, unless such man is furnished with an account, signed by the captain and paymaster of the vessel or station from which he came, specifying the date of his entry on said vessel or at said station, the period and term of his service, the sums paid him, the balance due him, the quality in which he was rated, and his descriptive list.

Accounts of men sent from the ship. Sixth. He shall, whenever officers or men are sent from his ship, for whatever cause, take care that each man is furnished with a complete statement of his account, specifying the date of his enlistment, the period and term of his service, and his descriptive list. Said account shall be signed by the commanding officer and paymaster.

Inspection of provisions. Seventh. He shall cause frequent inspections to be made into the condition of the provisions on his ship, and use every precaution for their preservation.

Health of crew. Eighth. He shall frequently consult with the surgeon in regard to the sanitary condition of his crew, and shall use all proper means to preserve their health. And he shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon so advises, and shall direct that some of the crew attend them and keep the place clean.

Ninth. He shall attend in person, or appoint a proper officer to attend, when his crew is finally paid off, to see that justice is done to the men and to the United States in the settlement of the accounts. Attendance at final payment of crew.

Tenth. He shall cause the articles for the government of the Navy to be hung up in some public part of the ship and read once a month to his ship's company. Articles for the government of the Navy.

Every commanding officer who offends against the provisions of this article shall be punished as a court-martial may direct. Punishment for offending against this article.

ART. 21. When the crew of any vessel of the United States are separated from their vessel by means of her wreck, loss, or destruction, all the command and authority given to the officers of such vessel shall remain in full force until such ship's company shall be regularly discharged from or ordered again into service, or until a court-martial or court of inquiry shall be held to inquire into the loss of said vessel. And if any officer or man, after such wreck, loss, or destruction, acts contrary to the discipline of the Navy, he shall be punished as a court-martial may direct. Authority of officers after loss of vessel.

ART. 22. All offenses committed by persons belonging to the Navy which are not specified in the foregoing articles shall be punished as a court-martial may direct. Offenses not specified.

ART. 23. All offenses committed by persons belonging to the Navy while on shore shall be punished in the same manner as if they had been committed at sea. Offenses committed on shore.

ART. 24. No commander of a vessel shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period is necessary to bring the offender to trial by a court-martial; nor shall he inflict, or cause to be inflicted, upon any petty officer, or person of inferior rating, or marine, for a single offense, or at any one time, any other than one of the following punishments, namely: Punishment by order of commander.

First. Reduction of any rating established by himself.

Second. Confinement, with or without irons, single or double, not exceeding ten days, unless further confinement be necessary, in the case of a prisoner to be tried by court-martial.

Third. Solitary confinement, on bread and water, not exceeding five days.

Fourth. Solitary confinement not exceeding seven days.

Fifth. Deprivation of liberty on shore.

Sixth. Extra duties.

No other punishment shall be permitted on board of vessels belonging to the Navy, except by sentence of a general or summary court-martial. All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log.

ART. 25. No officer who may command by accident, or in the absence of the commanding officer, except when such commanding officer is absent for a time by leave, shall inflict any other punishment than confinement. [See articles 26 to 35 inclusive, under COURTS-MARTIAL—Summary.] Punishment by officers temporarily commanding.

ART. 36. No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof. Dismissal of officers.

ART. 37. When any officer, dismissed by order of the President since 3d March, 1865, makes, in writing, an application for trial, setting forth, under oath that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed. And if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.* [See articles 38 to 54 inclusive, under COURTS-MARTIAL—General. See articles 55 to 60 inclusive, under COURTS OF INQUIRY.] Officer dismissed by the President may demand trial.

*See act of June 22, 1874, under head of DISMISSAL, modifying the act of March 3, 1865, on which this article is based and is the substance.

ARTIFICIAL LIMBS, &c.

Sec.
1176. Trusses, to whom furnished.
1177. Applications for trusses.
1178. Purchase of trusses.
4787. Artificial limbs to be furnished every five years.
4788. Commutation rates in money value for limb, &c.
4789. Money commutation, how paid.
4790. Commutation to persons who cannot use artificial limbs.
4791. Transportation for persons to whom artificial limbs are furnished.
——. Artificial limbs not to be supplied to certain pensioners.

Title 14, Chap. 1.

Trusses, to whom furnished.

SEC. 1176. Every soldier of the Union Army who was ruptured while in the line of duty during the war for the suppression of the rebellion, is entitled to receive a single or double truss, of such style as may be designated by the Surgeon-General, as best suited for his disability.

Application for

SEC. 1177. Application for such truss shall be made by the ruptured soldier, to an examining surgeon for pensions, whose duty it shall be to examine the applicant, and when found to have a rupture or hernia, to prepare and forward to the Surgeon-General an application for such truss without charge to the soldier.

Trusses, purchase of.

SEC. 1178. The Surgeon-General is authorized and directed to purchase the trusses required for such soldiers, at wholesale prices, and the cost of the same shall be paid upon the requisition of the Surgeon-General out of any moneys in the Treasury not otherwise appropriated.

Title 57.

Artificial limbs, &c.; to be furnished every five years.

SEC. 4787. Every officer, soldier, seaman, and marine, who was disabled during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department, since the seventeenth day of June, eighteen hundred and seventy, with an artificial limb or apparatus for resection, or who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every five years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army.

Commutation rates in money value for limb, &c.

SEC. 4788. Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof, at the following rates, namely: For artificial legs, seventy-five dollars; for arms, fifty dollars; for feet, fifty dollars; for apparatus for resection, fifty dollars.

Money commutation, how to be paid.

SEC. 4789. The Surgeon-General shall certify to the Commissioner of Pensions a list of all soldiers who elect to receive money commutation instead of limbs or apparatus, with the amount due to each, and the Commissioner of Pensions shall cause the same to be paid to such soldiers in the same manner as pensions are paid.

Money commutation to those who cannot use artificial limb.

SEC. 4790. Every person in the military or naval service who lost a limb during the war of the rebellion, but from the nature of his injury is not able to use an artificial limb, shall be entitled to the benefits of section forty-seven hundred and eighty-eight, and shall receive money commutation as therein provided.

Transportation for persons to whom artificial limbs are furnished.

SEC. 4791. The Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section forty-seven hundred and eighty-seven, transportation to and from their homes and the place where they may be required to go to obtain artificial limbs provided for them under authority of law.

An act to increase pensions in certain cases.

June 18, 1874.

Certain pensions increased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who are now entitled to pensions under existing laws and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive twenty-four dollars per month:

Proviso.

Provided, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four.

Approved, June 18, 1874.

ASSIGNMENT OF WAGES, &c.

For ASSIGNMENT OF CLAIMS, see § 3477 under CLAIMS.
For ASSIGNMENT OF PRIZE OR BOUNTY, see § 4643 under PRIZE.

Sec. 1576. Assignment of wages.

SEC. 1576. Every assignment of wages due to persons enlisted in the naval service, and all powers of attorney, or other authority to draw, receipt for, or transfer the same, shall be void, unless attested by the commanding officer and paymaster. The assignment of wages must specify the precise time when they commence.

Title 15, Chap. 8.
Assignments of wages.

ATTORNEYS AND AGENTS OF GOVERNMENT.

Sec.
189. Employment of attorneys or counsel.
1550. Agents to disburse money abroad.
1783. Persons interested not to act as agents of the Government.
3614. Bond of special agents.

SEC. 189. No head of a Department shall employ attorneys or counsel at the expense of the United States; but when in need of counsel or advice, shall call upon the Department of Justice, the officers of which shall attend to the same. [See §§ 364, 365, DEPARTMENT OF JUSTICE.]

Title 4.
Employment of attorneys or counsel.

SEC. 1550. No person shall be employed or continued abroad, to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate.

Title 15, Chap. 7.
Appointment of persons to disburse money on foreign stations.

SEC. 1783. No officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such officer, agent, or member, or person, so interested, who so acts, shall be imprisoned not more than two years, and fined not more than two thousand dollars nor less than five hundred dollars.

Title 19.
Persons interested not to act as agents of the Government.

SEC. 3614. Whenever it becomes necessary for the head of any Department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the Department or office employing them may approve.

Title 40.
Bond of special agents.

AUTHENTICATED DOCUMENTS AND TRANSCRIPTS.

See EVIDENCE.

BIENNIAL REGISTER.

Sec.
510. Preparation of.
511. Distribution.
—. Number to be printed.

SEC. 510. As soon as practicable after the last day of September in each year in which a new Congress is to assemble, a register shall be compiled and printed under the direction of the Secretary of the Interior, of which seven hundred and fifty copies shall be published, and which shall contain the following lists, made up to such last day of September:

1. Correct lists of all the officers, clerks, employés, and agents, civil, military, and naval, in the service of the United States, including cadets and midshipmen, which lists shall exhibit the amount of compensation, pay, and emoluments allowed to each, the State or country in which he was born, the State or Territory from which he was appointed to office, and where employed.

2. A list of the names, force, and condition of all the ships and vessels belonging to the United States, and when and where built.

Title 11, Chap. 7.
Preparation of Biennial Register.

3. Lists of all printers of the laws of the United States, and of all printers employed by Congress or by any Department or officer of the Government, during the two years preceding the last day of September up to which such list is required to be made, with the compensation allowed to each, and designating the Department or officer causing the printing to be executed.

4. A statement of all allowances made by the Postmaster-General, within the same period of two years, to each contractor on contracts for carrying the mail, discriminating the sum paid as stipulated by the original contract and the sums paid as additional allowance.

Distribution of Biennial Register.

SEC. 511. On the first Monday in January, in each year when a new Congress is assembled, there shall be delivered to the President, the Vice-President, each head of a Department, each member of the Senate and House of Representatives, one copy of the Biennial Register; to the Secretary of the Senate and the Clerk of the House of Representatives, ten copies each, for the use of the respective Houses; to the Library of Congress, twenty-five copies; and to the secretary of state of each State, one copy; and the residue of the copies shall be disposed of as Congress shall, from time to time, direct.

An act in relation to the printing of the Biennial Register, commonly called the Blue Book.

January 23, 1874.

Biennial Register, number of copies to be printed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the number of copies of the Biennial Register now authorized by law to be printed, the Secretary of the Interior be, and he is hereby, directed to cause to be printed fifteen hundred copies of the said work.

Approved, January 23, 1874.

BOATSWAINS.

See WARRANT OFFICERS.

BOUNTY-LANDS—BOUNTY, &c.

Sec.
2032. Bounty-laws to remain in force.
2414. Military bounty-land warrants and locations assignable.
2415. Warrants located at $1.25; excess paid in cash.
2416. Claims for bounty-lands in virtue of certain acts named, &c.
2417. Same subject.
2418. Bounty-lands for soldiers in certain wars.
2419. Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.
2420. Militia and volunteers in service since 1812.
2421. Persons entitled under preceding sections.
2422. Period of captivity added to actual service.
2423. Warrant and patent, to issue when.
2424. Widows of persons entitled.
2425. Additional bounty-lands, &c.
2426. Classes under last section specified.
2427. What classes of persons entitled under section 2425, without regard to length of service.
2428. Widows and children of persons entitled under section 2425.
2429. Subsequent marriage of widow.
2430. Minors under section 2428.
2431. Proof of service.
2432. Former evidence of right to bounty-land to be received in certain cases.
2433. Allowance of time of service for distance from home to place of muster or discharge.
2438. Deserters not entitled to bounty-land.
2439. Lost warrants, provisions for.
2440. Discharges, omissions, and loss of, provided for.
2441. New warrant issued in lieu of lost warrant.
4635. Bounty for persons captured on enemy's vessels.
——. Appropriation to pay bounties.

Title 27.

Bounty-laws to remain in force.

SEC. 2032. All laws and parts of laws pertaining to the collection and payment of bounty, prize money and other legitimate claims of colored soldiers, sailors, and marines, or their heirs shall remain in force until otherwise ordered by Congress. [See March 3, 1875, *post.*]

Title 32, Chap. 10.

Military bounty-land warrants and locations assignable.

SEC. 2414. All warrants for military bounty-lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land-Office, so as t vest the assignee with all the rights of the original owner of the warrant or location.

Warrants located at $1.25; excess paid in cash.

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum

price. When such warrant is located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locator shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on. But where such tract is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

Claims for bounty-lands in virtue of certain acts named, &c.

SEC. 2416. In all cases of warrants for bounty-lands, issued by virtue of an act approved July twenty-seven, one thousand eight hundred and forty-two, and of two acts approved January twenty-seven, one thousand eight hundred and thirty-five, therein and thereby revised, and of two acts to the same intent, respectively, approved June twenty-six, eighteen hundred and forty-eight, and February eight, eighteen hundred and fifty-four, for military services in the revolutionary war, or in the war of eighteen hundred and twelve with Great Britain, which remained unsatisfied on the second day of July, eighteen hundred and sixty-four, it is lawful for the person in whose name such warrant issued, his heirs or legal representatives, to enter in quarter-sections, at the proper local land-office in any of the States or Territories, the quantity of the public lands subject to private entry which he is entitled to under such warrant.

Same subject.

SEC. 2417. All warrants for bounty-lands referred to in the preceding section may be located at any time, in conformity with the general laws in force at the time of such location.

Bounty-lands for soldiers in certain wars.

SEC. 2418. Each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and prior to the third of March, eighteen hundred and fifty, and each of the commissioned officers who was engaged in the military service of the United States in the war with Mexico, shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres; but wherever any officer or soldier was honorably discharged in consequence of disability contracted in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve. All the persons enumerated in this section who enlisted in the Regular Army, or were mustered in any volunteer company for a period of not less than twelve months, and who served in the war with Mexico and received an honorable discharge, or who were killed or died of wounds received or sickness incurred in the course of such service, or were discharged before the expiration of the term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant for one hundred and sixty acres of land: or at option Treasury scrip for one hundred dollars bearing interest at six per cent. per annum, payable semi-annually, at the pleasure of the Government. In the event of the death of any one of the persons mentioned in this section during service, or after his discharge, and before the issuing of a certificate or warrant, the warrant or scrip shall be issued in favor of his family or relatives; first, to the widow and his children; second, his father; third, his mother; fourth, his brothers and sisters.

Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.

SEC. 2419. The persons enumerated in the preceding section received into service after the commencement of the war with Mexico, for less than twelve months, and who served such term, or were honorably discharged, are entitled to receive a certificate or warrant for forty acres, or scrip for twenty-five dollars if preferred, and in the event of the death of such person during service, or after honorable discharge before the eleventh of February, eighteen hundred and forty-seven, the warrant or scrip shall issue to the wife, child, or children, if there be any, and if none, to the father, and if no father, to the mother of such soldier.

Militia and volunteers in service since 1812.

SEC. 2420. Where the militia, or volunteers, or State troops of any State or Territory, subsequent to the eighteenth day of June, eighteen hundred and twelve, and prior to March twenty-second, eighteen hundred and fifty-two, were called into service, the officers and soldiers thereof shall be entitled to all the benefits of section two thousand four hundred and eighteen upon proof of length of service as therein required.

Persons not entitled under preceding sections.

SEC. 2421. No person shall take any benefit under the provisions of the three preceding sections, if he has received, or is entitled to receive, any military land-bounty under any act of Congress passed prior to the twenty-second March, eighteen hundred and fifty-two.

Period of captivity added to actual service.

SEC. 2422. The period during which any officer or soldier remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so retained in captivity shall receive land under the provisions of sections twenty-four hundred and eighteen and twenty-four hundred and twenty, in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such term.

Warrant and patent to issue, when.

SEC. 2423. Every person for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty shall receive a warrant from the Department of the Interior for the quantity of land to which he is entitled; and, upon the return of such warrant, with evidence of the location thereof having been legally made to the General Land-Office, a patent shall be issued therefor.

Widows of persons entitled.

SEC. 2424. In the event of the death of any person, for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty, and who did not receive bounty-land for his services, a like warrant shall issue in favor of his widow, who shall be entitled to one hundred and sixty acres of land in case her husband was killed in battle; nor shall a subsequent marriage impair the right of any widow to such warrant, if she be a widow at the time of making her application.

Additional bounty-lands, &c.

SEC. 2425. Each of the surviving persons specified in the classes enumerated in the following section, who has served for a period of not less than fourteen days, in any of the wars in which the United States have been engaged since the year seventeen hundred and ninety, and prior to the third day of March, eighteen hundred and fifty-five, shall be entitled to receive a warrant from the Department of the Interior, for one hundred and sixty acres of land; and, where any person so entitled has, prior to the third day of March, eighteen hundred and fifty-five, received a warrant for any number of acres less than one hundred and sixty, he shall be allowed a warrant for such quantity of land only as will make, in the whole, with what he may have received prior to that date, one hundred and sixty acres.

Classes under last section specified.

SEC. 2426. The classes of persons embraced as beneficiaries under the preceding section, are as follows, namely:

First. Commissioned and non-commissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States.

Second. Commissioned and non-commissioned officers, seamen, ordinary seamen, flotilla-men, marines, clerks, and landsmen in the Navy.

Third. Militia, volunteers, and State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States.

Fourth. Wagon-masters and teamsters who have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

Fifth. Officers and soldiers of the revolutionary war, and marines, seamen, and other persons in the naval service of the United States during that war.

Sixth. Chaplains who served with the Army.

Seventh. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not.

What classes of persons are entitled under section 2425, without regard to length of service.

SEC. 2427. The following class of persons are included as beneficiaries under section twenty-four hundred and twenty-five, without regard to the length of service rendered.

First. Any of the classes of persons mentioned in section twenty-four hundred and twenty-six who have been actually engaged in any battle in any of the wars in which this country has been engaged since seventeen

hundred and ninety, and prior to March third, eighteen hundred and fifty-five.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, eighteen hundred and fourteen.

Third. The volunteers who served at the battle of King's Mountain, in the revolutionary war.

Fourth. The volunteers who served at the battle of Nickojack against the confederate savages of the South.

Fifth. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the war of eighteen hundred and twelve.

Widows and children of persons entitled under section 2425.

SEC. 2428. In the event of the death of any person who would be entitled to a warrant, as provided in section twenty-four hundred and twenty-five, leaving a widow, or, if no widow, a minor child, such widow or such minor child shall receive a warrant for the same quantity of land that the decedent would be entitled to receive, if living on the third day of March, eighteen hundred and fifty-five.

Subsequent marriage of widow.

SEC. 2429. A subsequent marriage shall not impair the right of any widow, under the preceding section, if she be a widow at the time of her application.

Minors under section 2428.

SEC. 2430. Persons within the age of twenty-one years on the third day of March, eighteen hundred and fifty-five, shall be considered minors within the intent of section twenty-four hundred and twenty-eight.

Proof of service.

SEC. 2431. Where no record evidence of the service for which a warrant is claimed exists, parol evidence may be admitted to prove the service performed, under such regulations as the Commissioner of Pensions may prescribe.

Former evidence of right to bounty-land to be received in certain cases.

SEC. 2432. Where certificate or a warrant for bounty-land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under the preceding section, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

Allowance of time of service for distance from home to place of muster or discharge.

SEC. 2433. When any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service, provided that such march was in obedience to the command or direction of the President, or some general officer of the United States, commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service.

Deserters not entitled to bounty-land.

SEC. 2438. No person who has been in the military service of the United States shall, in any case, receive a bounty-land warrant if it appears by the muster-rolls of his regiment or corps that he deserted or was dishonorably discharged from service.

Lost warrants, provisions for.

SEC. 2439. When a soldier of the Regular Army, who has obtained a military land-warrant, loses the same, or such warrant is destroyed by accident, he shall, upon proof thereof to the satisfaction of the Secretary of the Interior, be entitled to a patent in like manner as if the warrant was produced.

Discharges, omissions, and loss of, provided for.

SEC. 2440. In all cases of discharge from the military service of the United States of any soldier of the Regular Army, when it appears to the satisfaction of the Secretary of War that a certificate of faithful services

has been omitted by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it is proved that any soldier of the Regular Army has lost his discharge and certificate of faithful service, the Secretary of War shall cause such papers to be furnished such soldier as will entitle him to his land-warrant and patent, provided such measure is justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

New warrant issued in lieu of lost warrant.

SEC. 2441. Whenever it appears that any certificate or warrant, issued in pursuance of any law granting bounty-land, has been lost or destroyed, whether the same has been sold and assigned by the warrantee or not, the Secretary of the Interior is required to cause a new certificate or warrant of like tenor to be issued in lieu thereof; which new certificate or warrant may be assigned, located, and patented in like manner as other certificates or warrants for bounty-land are now authorized by law to be assigned, located, and patented; and in all cases where warrants have been, or may be, re-issued, the original warrant, in whosoever hands it may be, shall be deemed and held to be null and void, and the assignment thereof, if any there be, fraudulent; and no patent shall ever issue for any land located therewith, unless such presumption of fraud in the assignment be removed by due proof that the same was executed by the warrantee in good faith and for a valuable consideration.

SEC. 4635. Bounty for persons captured on enemy's vessels. [See under PRIZE.]

APPROPRIATION.

March 3, 1875.

Bounty, prize-money, &c., of colored soldiers and sailors.

For collection and payment of bounty, prize money and other claims of colored soldiers and sailors; salaries of agents and clerks; rent of office; fuel, lights, stationery, and similar necessaries; office furniture and repairs; transportation of officers and agents, telegraphing and postage, seventy-five thousand dollars.

Bounties to sailors and marines.

For the payment of bounties to sailors and marines under existing laws, fifty thousand dollars, or so much thereof as may be necessary.

BRIBES, PRESENTS, &c.

Sec.
1546. Contributions for political purposes.
1781. Prohibition on taking, &c., by Government officers.
1782. Taking compensation in matters to which the United States is a party.
1784. Presents to superiors.
5450. Bribery of member of Congress.
5451. Bribery of Government officers.
5500. Member of Congress accepting bribe, &c.
5501. United States officer accepting bribe, &c.
5502. Forfeiture of office.

Title 15, Chap. 6.

Contributions for political purposes.

SEC. 1546. No officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Title 19.

Prohibition upon taking consideration for procuring contracts, offices, &c.

SEC. 1781. Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring, or aiding to procure, any contract, office, or place, from the Government, or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his official capacity, or in his place as such member of Congress, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars. And any such

contract or agreement may, at the option of the President, be declared absolutely null and void; and any member of Congress or officer convicted of a violation of this section, shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

Upon taking compensation in matters to which United States is a party.

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, Bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and fined not more than ten thousand dollars, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

Prohibition of contributions, presents, &c., to superiors.

SEC. 1784. No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employés in the Government service for a gift or present to those in a superior official position; nor shall any such official or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.

Title 70, Chap. 5.

Bribery of member of Congress.

SEC. 5450. Every person who promises, offers, gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any member of either House of Congress, either before or after such member has been qualified or has taken his seat, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House of Congress, or before any committee thereof, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and shall be, moreover, imprisoned not more than three years.

Bribery of any United States officers.

SEC. 5451. Every person who promises, offers, or gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be punished as prescribed in the preceding section.

Title 70, Chap. 6.

Member of Congress accepting bribe, &c.

SEC. 5500. Any member of either House of Congress who asks, accepts, or receives any money, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, either before or after he has been qualified or has taken his seat as such member, with intent to have his vote or decision on any question, matter, cause, or proceeding

which may be at any time pending in either house, or before any committee thereof, influenced thereby, shall be punished by a fine not more than three times the amount asked, accepted, or received, and by imprisonment not more than three years. [See § 5450.]

United States officer accepting bribe, &c.

SEC. 5501. Every officer of the United States, and every person acting for or on behalf of the United States, in any official capacity under or by virtue of the authority of any department or office of the Government thereof; and every officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, who asks, accepts, or receives any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may, at any time, be pending, or which may be by law brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be punished as prescribed in the preceding section. [See § 5498, under CLAIMS.]

Forfeiture of

SEC. 5502. Every member, officer, or person, convicted under the provisions of the two preceding sections, who holds any place of profit or trust, shall forfeit his office or place; and shall thereafter be forever disqualified from holding any office of honor, trust, or profit under the United States.

BUREAUS.

See DEPARTMENT OF THE NAVY.

CADET MIDSHIPMEN AND CADET ENGINEERS.

See NAVAL ACADEMY.

CAPTAINS IN THE NAVY.

See LINE OFFICERS.

CARPENTERS IN THE NAVY.

See WARRANT OFFICERS.

CEMETERIES—NATIONAL.

Sec.
4877. Inclosures, headstones, &c.
Sec.
4878. Who may be buried in national cemeteries.

Title 59, Chap. 6.

Inclosures, headstones, and registers.

SEC. 4877. In the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone or block, which shall be of durable stone, and of such design and weight as shall keep it in place when set, and shall bear the name of the soldier and the name of his State inscribed thereon, when the same are known, and also with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the office of the Quartermaster-General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or if these are unknown, it shall be so recorded.

Who may be buried in national cemeteries.

SEC. 4878. All soldiers, sailors, or marines, dying in the service of the United States, or dying in a destitute condition, after having been honorably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment.

CENTENNIAL EXHIBITION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Invitation to other nations.
Preparation of medals.
Engraving and printing stock.
Participation of Executive Departments.

Proclamation.

Preamble.
1871, ch. 105, vol. xvi, p. 470.

Whereas by the act of Congress approved March 3, 1871, providing for a National Celebration of the One Hundredth Anniversary of the Independence of the United States, by the holding of an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine, in the city of Philadelphia, in the year eighteen hundred and seventy-six, it is provided as follows:

"That whenever the President shall be informed by the Governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the Commission herein provided for of the proposed Exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the Exhibition will open, and the place at which it will be held; and he shall communicate to the Diplomatic Representatives of all nations copies of the same, together with such regulations as may be adopted by the Commissioners, for publication in their respective countries;"

And whereas His Excellency the Governor of the said State of Pennsylvania did, on the twenty-fourth day of June, 1873, inform me that provision has been made for the erection of said buildings and for the exclusive control by the Commission provided for in the said act of the proposed Exhibition;

And whereas the President of the United States Centennial Commission has officially informed me of the dates fixed for the opening and closing of the said Exhibition, and the place at which it is to be held:

Centennial International Exhibition at Philadelphia, from April 19 to October 19, 1876.

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States, in conformity with the provisions of the Act of Congress aforesaid, do hereby declare and proclaim that there will be held, at the city of Philadelphia, in the State of Pennsylvania, an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine, to be opened on the nineteenth day of April, A. D. eighteen hundred and seventy-six, and to be closed on the nineteenth day of October, in the same year.

Celebration and exhibition commended to all nations.

And, in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States; and, in behalf of this Government and people, I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this third day of July, one thousand eight hundred and seventy-three, and of the Independence of [SEAL.] the United States the ninety-seventh.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

An act in relation to the Centennial Exhibition.

June 5, 1874.

Preamble.

Whereas, at various international exhibitions which have been held in foreign countries, the United States have been represented in pursuance of invitations given by the governments of those countries, and accepted by our own Government, therefore,

Invitation to foreign governments to participate in Centennial Exhibition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations, to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year eighteen hundred and seventy-six: *Provided, however*, That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition, or by reason of the same.

United States not liable for expenses of exposition.

Approved, June 5, 1874.

An act to authorize medals commemorating the One hundredth anniversary of the first meeting of the Continental Congress, and of the Declaration of Independence.

June 16, 1874.

Medals commemorating the one hundredth anniversary of independence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That medals with appropriate devices, emblems, and inscriptions, commemorative of the Centennial Anniversary of the Declaration of Independence be prepared at the Mint at Philadelphia for the Centennial Board of Finance subject to the provisions of the fifty-second section of the Coinage act of eighteen hundred and seventy-three,* upon the payment of a sum not less than the cost thereof, and all the provisions whether penal or otherwise of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under the provisions of this act.

Protection against counterfeits.

Approved, June 16, 1874.

Act making appropriations for sundry civil expenses.

March 3, 1875.

SEC. 1. * * * * * * * *

Engraving and printing Centennial stock.

For engraving and printing certificates of Centennial stock for the International Exhibition to be held in the city of Philadelphia in the year eighteen hundred and seventy-six, thirty thousand seven hundred and fifty dollars: *Provided,* That *that* this appropriation shall not be construed as in any manner committing the Government of the United States to any other payment whatever to meet the expenses of said exhibition.

Proviso.

* * * * * * *

Participation of Executive Departments and Smithsonian Institution in International Exhibition.

SEC. 5. To enable the Executive Departments of the Government and the Smithsonian Institution to participate in the International Exhibition of eighteen hundred and seventy-six, the following sums are hereby appropriated, namely: For the Interior Department, one hundred and fifteen thousand dollars; for the Treasury Department, five thousand dollars; for the Post-Office Department, five thousand dollars; for the Agricultural Department, fifty thousand dollars; for the Smithsonian Institution, sixty-seven thousand dollars; for the United States Commission of Food-Fishes, five thousand dollars; for the War Department, one hundred and thirty-three thousand dollars; for the Navy Department, one hundred thousand dollars; for show-cases, shelving, stationery, postage, telegrams, expressage, and other necessary incidental expenses, twenty-five thousand dollars; in all, five hundred and five thousand dollars; to be disbursed under the direction of the board on Executive Departments appointed in pursuance of the presidential order of January twenty-third, eighteen hundred and seventy-four. And authority is hereby given to the heads of the several Executive Departments to display at the International Exhibition of eighteen hundred and seventy-six, under such conditions as they may prescribe, subject to the provisions of section seven of the act of June first, eighteen hundred and seventy-two, all such articles in store or under the control of said Departments as may be necessary or desirable to render such collection complete and exhaustive: *Provided,* That should it become necessary to erect any building or part of a building for said exhibition, on the part of the Government, the same shall be paid for, pro rata, out of the sums appropriated to the several Departments, the United States Commission of Food-Fishes and the Treasury and Post-Office Departments excepted, the cost of the building not to exceed one hundred and fifty thousand dollars; and at the close of the exhibition, said building shall be sold and the proceeds covered into the Treasury as miscellaneous receipts: *And provided further,* That the sums hereby appropriated shall cover the entire expense to which the United States Government shall be subjected on account of said exhibition, except the sum appropriated in this act for printing the certificates of stock of said exhibition; and the board on Executive Departments is forbidden to expend any larger sum than is set down herein for each Department, or to enter into any contract or engagement that shall result in any such increased expenditure; and no money shall be taken by any Department for the purposes of this exhibition as aforesaid from any other appropriations except the one hereby made: *And further provided,* That of the sum hereby appropriated the sum of two hundred thousand dollars shall be immediately available.

Proviso.

Erection of buildings.

Proviso.

Limitation of expenditures.

Proviso.

Approved, March 3, 1875.

* See § 3551, under COINAGE.

CHAPLAINS.

Sec.
1395. Number and appointment of.
1396. Qualifications of.
1397. Form of worship.
1398. Annual report.
1479. Rank.
1556. Pay.

SEC. 1395. There shall be in the Navy, for the public armed vessels of the United States in actual service not exceeding twenty-four chaplains, who shall be appointed by the President with the advice and consent of the Senate. **Title 15, Chap. 1.** Number and appointment of.

SEC. 1396. A chaplain shall not be less than twenty-one nor more than thirty-five years of age at the time of his appointment. Qualifications of.

SEC. 1397. Every chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he may be a member. Form of worship.

SEC. 1398. Chaplains shall report annually to the Secretary of the Navy the official services performed by them. Annual report.

SEC. 1479. Chaplains shall have relative rank as follows: Four, the relative rank of captain; seven, that of commander; and not more than seven, that of lieutenant-commander or lieutenant. **Title 15, Chap. 4.** Rank.

SEC. 1556. Chaplains, during the first five years after date of commission, when at sea, two thousand five hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand eight hundred dollars; on shore duty, two thousand three hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars. **Title 15, Chap. 8.** Pay.

CHECKS AND DRAFTS.

Sec.
300. Allowance of lost checks.
306. Liabilities outstanding three or more years.
307. Vouchers for drafts remaining unpaid.
308. Payment upon presentation of outstanding drafts.
309. Accounts of disbursing officers unchanged for three years.
3645. Regulations for presenting drafts.
3646. Duplicates for lost or stolen checks.
3647. Duplicate check when officer who issued is dead.
3651. Exchange of funds restricted.
3652. Premium on sales of public money to be accounted for.

SEC. 300. Whenever the disbursing officer, or agent by whom was issued any check which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the proper accounting officer shall, under such regulations as the Secretary of the Treasury may prescribe, state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent. **Title 7, Chap. 4.** Allowance of lost checks.

SEC. 306. At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks, issued by the Treasurer, or by any disbursing officer of any Department of the Government, upon the Treasurer or any assistant treasurer, or designated depositary of the United States, or upon any national bank designated as a depositary of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities." **Title 7, Chap. 5.** Liabilities outstanding three or more years.

SEC. 307. The certificate of the Register of the Treasury, stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrent directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by the preceding sec- Vouchers for drafts remaining unpaid.

tion, shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in the preceding section shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks.

Payment upon presentation of outstanding drafts.

SEC. 308. The payee or the bona-fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to the preceding sections, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States.

Accounts of disbursing officers unchanged for three years.

SEC. 309. The amounts, except such as are provided for in section three hundred and six, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the proper accounting officer of the Department of the Treasury on the books of the Department, to the officer in whose name it had stood on the books of any agency of the Treasury, if it appears that he is entitled to such credit.

Title 40.

Regulations for presentment of drafts.

SEC. 3645. It shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts, for payment, at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper; but, in all these regulations and directions, it shall be his duty to guard, as far as may be, against those drafts being used or thrown into circulation as a paper currency or a medium of exchange. [See §§ 5495, 5496. EMBEZZLEMENT.]

Duplicates for lost or stolen checks authorized.

SEC. 3646. Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months, and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of one thousand dollars.

Duplicate check when officer who issued is dead.

SEC. 3647. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued, is dead, or no longer in the service of the United States, it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury shall prescribe, to state an account in favor of the owner of such original check for the amount thereof, and to charge such amount to the account of such officer or agent.

Exchange of funds restricted.

SEC. 3651. No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the money so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper Department immediately to suspend from duty any dis-

bursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as the President may deem just and proper.

Premiums on sales of public moneys to be accounted for.

SEC. 3652. No officer of the United States shall, either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office.

CITIZENSHIP.

Sec.
1992. Who are citizens.
1993. Citizenship of children of citizens born abroad.
1994. Citizenship of married women.
1995. Of persons born in Oregon.
1996. Rights as citizens forfeited for desertion, &c.
1997. Certain soldiers and sailors not to incur the forfeitures of the last section.
1998. Avoiding the draft.
1999. Right of expatriation declared.
2000. Protection to naturalized citizens in foreign states.
2001. Release of citizens imprisoned by foreign governments to be demanded.
5424. False personation, &c., in securing naturalization.
5425. Using false certificate of citizenship, &c.
5426. Using false certificate, &c., as evidence of a right to vote.
5427. Aiding or abetting violation of preceding sections.
5428. Falsely claiming citizenship.
5429. Provisions applicable to all courts of naturalization.

Title 25.

Who are citizens.

SEC. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Citizenship of children of citizens born abroad.

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

Citizenship of married women.

SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

Of persons born in Oregon.

SEC. 1995. All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States.

Rights as citizens forfeited for desertion, &c.

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

Certain soldiers and sailors not to incur the forfeitures of the last section.

SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office, in consequence of his desertion.

Avoiding the draft.

SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six.

Right of expatriation declared.

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition

of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

Protection to naturalized citizens in foreign states.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

Release of citizens imprisoned by foreign governments to be demanded.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

Title 70, Chap. 5.

False personation, &c., in procuring naturalization.

SEC. 5424. Every person applying to be admitted a citizen, or appearing as a witness for any such person, who knowingly personates any other person than himself, or falsely appears in the name of a deceased person, or in an assumed or fictitious name, or falsely makes, forges, or counterfeits any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or who utters, sells, disposes of, or uses as true or genuine, or for any unlawful purpose, any false, forged, ante-dated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or sells or disposes of to any person other than the person for whom it was originally issued any certificate of citizenship, or certificate showing any person to be admitted a citizen, shall be punished by imprisonment at hard labor not less than one year, nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Using false certificate of citizenship, &c.

SEC. 5425. Every person who uses, or attempts to use, or aids, or assists, or participates in the use of any certificate of citizenship, knowing the same to be forged, or counterfeit, or ante-dated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or who, without lawful excuse, knowingly is possessed of any false, forged, ante-dated, or counterfeit certificate of citizenship, purporting to have been issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, ante-dated, or counterfeit, with intent unlawfully to use the same; or obtains, accepts, or receives any certificate of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring, the issue of such certificate, or known to such person to be fraudulently altered or ante-dated; and every person who has been or may be admitted to be a citizen who, on oath or by affidavit, knowingly denies that he has been so admitted, with intent to evade or avoid any duty or liability imposed or required by law, shall be imprisoned at hard labor not less than one year nor more than five years, or be fined not less than three hundred dollars nor more than one thousand dollars, or both such punishments may be imposed.

Using false certificate, &c., as evidence of a right to vote.

SEC. 5426. Every person who in any manner uses for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise, unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order or certificate, judgment, or exemplification has been unlawfully issued or made; and every person who unlawfully uses, or attempts to

use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be punished by imprisonment at hard labor not less than one year nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Aiding or abetting violation of preceding sections.

SEC. 5427. Every person who knowingly and intentionally aids or abets any person in the commission of any felony denounced in the three preceding sections, or attempts to do any act therein made felony, or counsels, advises, or procures, or attempts to procure, the commission thereof, shall be punished in the same manner and to the same extent as the principal party.

Falsely claiming citizenship.

SEC. 5428. Every person who knowingly uses any certificate of naturalization heretofore granted by any court, or hereafter granted, which has been or may be procured through fraud or by false evidence, or has been or may be issued by the clerk, or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; and every person who falsely represents himself to be a citizen of the United States, without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be punishable by a fine of not more than one thousand dollars, or be imprisoned not more than two years, or both.

Provisions applicable to all courts of naturalization.

SEC. 5429. The provisions of the five preceding sections shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced. [See §§ 2165–2174, NATURALIZATION.]

CIVIL ENGINEERS AND NAVAL STORE-KEEPERS.

Sec.
1413. Civil engineers and store-keepers at navy-yards.
1414. Store-keepers on foreign stations.
1415. Store-keeper's bond.
1438. Officers to act as store-keepers on foreign stations.
1439. Bonds of.
1478. Rank of civil engineers.
1527. Store-keeper at the Academy.
1556. Pay of civil engineers.
1567. Officers serving as store-keepers on foreign stations.
1568. Civilians, store-keepers on foreign stations.

Title 15, Chap. 1.

Civil engineers and store-keepers at navy-yards.

SEC. 1413. The President, by and with the advice and consent of the Senate, may appoint a civil engineer and a naval store-keeper at each of the navy-yards where such officers may be necessary.

Store-keepers on foreign stations.

SEC. 1414. The Secretary of the Navy may appoint citizens who are not officers of the Navy to be store-keepers on foreign stations, when suitable officers of the Navy cannot be ordered on such service, or when, in his opinion, the public interest will be thereby promoted. [Sec. 1568.]

Store-keeper's bond.

SEC. 1415. Every person who is appointed store-keeper under the provisions of the preceding section shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

Title 15, Chap. 2.

Officers to act as store-keepers on foreign stations.

SEC. 1438. The Secretary of the Navy shall order a suitable commissioned or warrant officer of the Navy, except in the case provided in section fourteen hundred and fourteen, to take charge of the naval stores for foreign squadrons at each of the foreign stations where such stores may be deposited, and where a store-keeper may be necessary.

Bonds of.

SEC. 1439. Every officer so acting as store-keeper on a foreign station shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

Title 15, Chap. 4.

Rank of civil engineers.

SEC. 1478. Civil engineers shall have such relative rank as the President may fix.

Title 15, Chap. 5.

Store-keeper at the Academy.

SEC. 1527. The store-keeper at the Naval Academy shall be detailed from the Paymasters' Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen and cadet engineers in the same manner as supplies are furnished to the Navy to be issued under such regulations as may be prescribed by the Secretary of the Navy.

Title 15, Chap. 8.

Pay of civil engineers.

SEC. 1556. * * * Civil engineers during the first five years after date of appointment, when on duty, two thousand four hundred dollars; on leave or waiting orders, one thousand five hundred dollars; during

the second five years after such date, when on duty, two thousand seven hundred dollars; on leave or waiting orders, one thousand eight hundred dollars; during the third five years after such date, when on duty, three thousand dollars; on leave or waiting orders, two thousand one hundred dollars; after fifteen years from such date, when on duty, three thousand five hundred dollars; on leave or waiting orders, two thousand six hundred dollars.

Officers serving as store-keepers on foreign stations.

SEC. 1567. Officers who are ordered to take charge of naval stores for foreign squadrons, in the place of naval store-keepers, shall be entitled to receive, while so employed, the shore-duty pay of their grades; and when the same is less than fifteen hundred dollars a year, they may be allowed compensation, including such shore-duty pay, at a rate not exceeding fifteen hundred dollars a year.

Civilians, store-keepers on foreign stations.

SEC. 1568. Civilians appointed as store-keepers on foreign stations shall receive compensation for such services, at a rate not exceeding fifteen hundred dollars a year.

CIVIL RIGHTS.

Sec.
1977. Equal rights under the law.
1978. Rights of citizens in respect to real and personal property.
1979. Civil action for deprivation of rights.
1980. Conspiracy.
1981. Action for neglect to prevent conspiracy.
1989. Aid of the military and naval forces.
Sec.
1990. Peonage abolished.
1991. Foregoing section, how enforced.
5516. Obstructing process.
5517. Marshal refusing to execute process.
—— Act to protect all citizens in their civil and legal rights.

Title 24.

Equal rights under the law.

SEC. 1977. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Rights of citizens in respect to real and personal property.

SEC. 1978. All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

Civil action for deprivation of rights.

SEC. 1979. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. [See §§ 563, 629, R. S. Secs. 563-629 relate to jurisdiction.]

Conspiracy.

SEC. 1980. First. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

Second. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to

any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Third. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. [See §§ 563, 629, R. S.]

Action for neglect to prevent conspiracy.

SEC. 1981. Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. [See § 629, R. S.]

[Secs. 1982 to 1988 relate to the duties of district attorneys, commissioners, &c.]

Aid of the military and naval forces.

SEC. 1989. It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this Title.

Peonage abolished.

SEC. 1990. The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

Foregoing section, how enforced.

SEC. 1991. Every person in the military or civil service in the Territory of New Mexico shall aid in the enforcement of the preceding section.

Title 70, Chap. 7.

Obstructing execution of process in civil-rights cases, &c.

SEC. 5516. Every person who willfully obstructs, hinders, or prevents any officer or other person charged with the execution of any warrant or process issued under the provisions of sections nineteen hundred and eighty-four and nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or any person lawfully assisting him, from arresting any person for whose apprehension such warrant or process may have been issued; or

rescues, or attempts to rescue, such person from the custody of the officer or other person lawfully assisting when so arrested, pursuant to the authority herein given; or aids, abets, or assists any person so arrested, directly or indirectly, to escape from the custody of the officer or other person legally authorized to arrest the party; or harbors or conceals any person for whose arrest a warrant or process has been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for any of such offenses, be subject to a fine of not more than one thousand dollars, or imprisonment not more than six months, or both.

Marshal refusing to receive or execute process.

SEC. 5517. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of section nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of one thousand dollars, for the benefit of the party aggrieved thereby.

An act to protect all citizens in their civil and legal rights.

Whereas, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,

March 1, 1875.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Equal enjoyment of inns, public conveyances, theaters, &c.

Forfeit to person aggrieved by denial of equal enjoyment of inns, &c.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year:

Punishment for denying, &c.

Election of remedies.

Provided, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State: *And provided further*, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively.

Effect of recoveries.

Jurisdiction of courts under this act.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party; and the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or territorial court, as by law has cognizance of the offense, except in respect of the right of action accruing to the per-

Duty of district attorneys, marshals, and commissioners under this act.

son aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise; and any district attorney who shall willfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than one thousand nor more than five thousand dollars: *And provided further*, That a judgment for the penalty in favor of the party aggrieved against any such district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively.

Right of civil action not affected.

Failure of district attorney to prosecute.

Effect of judgment against district attorney.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

Exclusion from service as juror.

Penalty for excluding, &c.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

Review in Supreme Court.

Approved, March 1, 1875.

CIVIL SERVICE.

See also under DEPARTMENTS.

Sec.
1753. President to regulate admissions to the civil service.
1754. Preference of persons disabled in military or naval service.
1755. Recommendation for employment of such persons.

Title 19.

SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

President to regulate admissions to the civil service.

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Preference of persons disabled in military or naval service.

SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments.

Recommendation for employment of such persons.

CLAIMS AND CLAIM AGENTS.

Sec.
184. Subpœnas to witnesses on claims pending.
185. Fees of witnesses.
186. Compelling testimony.
187. Professional assistance, how obtained.
190. Former employés acting as counsel.
236. Public accounts to be settled in the Treasury.
3477. Assignment of claims void, unless, &c.
3478. Oath by persons prosecuting claims.
3479. Who may administer oath.
3480. Claims of disloyalists.
3490. Liability of persons making false claims against United States.
3491. Suits for same.
3492. Duty of district attorney as to such cases.
3493. Rights of persons presenting such suits.
3494. Limitation of suit.
5434. Unlawful taking papers relating to claims.
5498. Officers, &c., interested in claims.

Title 4.

SEC. 184. Any head of a Department or Bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Ter-

Subpœnas to witnesses.

ritory, to issue a subpœna for any witness being within the jurisdiction of such court, to appear at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim.

Witnesses' fees.

SEC. 185. Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States.

Compelling testimony.

SEC. 186. If any witness, after being duly served with such subpœna, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpœna issued may proceed, upon proper process, to enforce obedience to the subpœna, or to punish the disobedience, in like manner as any court of the United States may do in case of process of subpœna ad testificandum issued by such court.

Professional assistance; how obtained.

SEC. 187. Whenever any head of a Department or Bureau having made application pursuant to section one hundred and eighty-four, for a subpœna to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney-General, and of all facts necessary to enable the Attorney-General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney-General to provide for such service.

Persons formerly in the Departments not to prosecute claims in them.

SEC. 190. It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employé.

Title 7, Chap. 1.

SEC. 236. All claims and demands whatever, by the United States, or against them, and all accounts whatever, in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.

Title 36.

Assignments of claims void, unless, &c.

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

Oath by persons prosecuting claims.

SEC. 3478. Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service. [See §§ 1756, 1757, under OATH OF OFFICE.]

Who may administer the oath.

SEC. 3479. The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.

Claims of disloyalists.

SEC. 3480. It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the thirteenth day of April, eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was

not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this section is modified or repealed. But this section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to the first day of April, eighteen hundred and sixty-one, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the first day of March, eighteen hundred and sixty-one.

Liability of persons making false claims against United States.

SEC. 3490. Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the provisions of section fifty-four hundred and thirty-eight,* Title "CRIMES," shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit.

Suits for same.

SEC. 3491. The several district courts of the United States, the supreme court of the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

Duty of district attorney as to such cases.

SEC. 3492. It shall be the duty of the several district attorneys of the United States for the respective districts, for the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of section thirty-four hundred and ninety by persons liable to such suit, and found within their respective districts or Territories, and to cause them to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit.

Rights of persons presenting such suits.

SEC. 3493. The person bringing said suit and prosecuting it to final judgment shall be entitled to receive one-half the amount of such forfeiture, as well as one-half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States.

Limitation of suit.

SEC. 3494. Every such suit shall be commenced within six years from the commission of the act, and not afterward.

Title 70, Chap. 5.

Unlawfully taking or using papers relating to claims.

SEC. 5454. Every person who takes and carries away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or

* See Sec. 5438, under FRAUDS, &c.

paid, or who presents or uses or attempts to use any such document, record, file, or paper so taken and carried away in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be imprisoned at hard labor not more than ten years, or fined not more than five thousand dollars.

Title 70, Chap. 6.

Officers, &c., interested in claims.

SEC. 5498. Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than five thousand dollars, or suffer imprisonment not more than one year, or both. [See under BRIBES, &c.]

NOTE.—See, under DEBTS, act of March 3, 1875, as to deducting, from claims allowed, indebtedness of claimant to the United States

CLERKS—NAVY.

See SECRETARIES AND CLERKS.

COAST SURVEY.

Sec.
264. Report of Coast Survey expenditures.
4681. President may authorize surveys.
4682. Surveys beyond twenty leagues from shore.
4683. Mode of conducting surveys.
4684. Employment of officers of Army and Navy.
4685. Power to use books, &c., and to employ persons.
4686. Power to employ vessels.
4687. Manner of employment of officers of Army and Navy.
4688. Allowances for subsistence.
4689. Salary of superintendent.
4690. Report.
4691. Disposal of maps and charts.

Title 7, Chap. 2.

Report of Coast Survey expenditures.

SEC. 264. The Secretary of the Treasury shall report to Congress annually the number and names of the persons employed during the last preceding fiscal year upon the Coast Survey and business connected therewith; the amount of compensation of every kind respectively paid them, for what purpose, and the length of time employed; and shall report a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey.

Title 56.

President may authorize surveys.

SEC. 4681. The President is authorized to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes or headlands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts.

Surveys beyond twenty leagues from shore.

SEC. 4682. The President may also cause such examinations and observations to be made with respect to Saint George's Bank, and to any other bank, or shoal, and the soundings and currents, although beyond the distance of twenty leagues from the shore to the Gulf Stream, as he may deem especially subservient to the commercial interests of the United States.

Mode of conducting surveys.

SEC. 4683. All appropriations made for the work of surveying the coast of the United States shall be expended in accordance with the plan of re-organizing the mode of executing the survey which has been submitted to the President by a board of officers organized under the act of March three, eighteen hundred and forty-three, chapter one hundred.

Employment of officers of Army and Navy.

SEC. 4684. The President shall carry into effect the plan of the board, as agreed upon by a majority of its members; and shall cause to be employed as many officers of the Army and Navy of the United States as will be compatible with the successful prosecution of the work; the officers of the Navy to be employed on the hydrographical parts, and the

officers of the Army on the topographical parts of the work; and no officer of the Army or Navy shall receive any extra pay out of any appropriations for surveys.

Power to use books, &c., and to employ persons.

SEC. 4685. The President is authorized, in executing the provisions of this Title, to use all maps, charts, books, instruments, and apparatus belonging to the United States, and to direct where the same shall be deposited, and to employ all persons in the land or naval service of the United States, and such astronomers and other persons, as he shall deem proper.

Power to employ vessels.

SEC. 4686. The President is authorized, for any of the purposes of surveying the coast of the United States, to cause to be employed such of the public vessels in actual service as he deems it expedient to employ, and to give such instructions for regulating their conduct as he deems proper, according to the tenor of this Title.

Manner of employment of officers of Army or Navy.

SEC. 4687. Officers of the Army and Navy shall, as far as practicable, be employed in the work of surveying the coast of the United States, whenever and in the manner required by the Department having charge thereof.

Allowance for subsistence.

SEC. 4688. The Secretary of the Treasury may make such allowances to the officers and men of the Army and Navy, while employed on Coast Survey service, for subsistence, in addition to their compensation, as he may deem necessary, not exceeding the sum authorized by the Treasury regulation of the eleventh day of May, eighteen hundred and forty-four.

Salary of Superintendent.

SEC. 4689. The salary of the Superintendent of the Coast Survey shall be six thousand dollars a year.

Report.

SEC. 4690. The Coast Survey report shall be submitted to Congress during the month of December in each year, and shall be accompanied by a general chart of the whole coasts of the United States, on as large a scale as convenient and practicable, showing, as near as practicable, the configuration of the coasts, and showing, by lines, the probable limits of the Gulf Stream, and showing, by lines, the probable limit to which the soundings off the coast will extend, and showing, by the use of colors and explanations, the exact portions of our coasts, of which complete charts have been published by the Coast Survey; also, showing such other parts of the coasts of which the triangulation, the topography, and the soundings have been completed, but not published, and, also, such parts of the coasts of which the triangulation and topography, or the triangulation only, have been completed.

Disposal of maps and charts.

SEC. 4691. The Secretary of the Treasury is authorized to dispose of the maps and charts of the survey of the coast of the United States at such prices and under such regulations as may from time to time be fixed by him; and a number of copies of each sheet, not to exceed three hundred, shall be distributed among foreign governments, and Departments of our own Government, and literary and scientific associations as may be designated by the Secretary of the Treasury.

COIN, COINAGE, WEIGHTS AND MEASURES, AND LEGAL TENDER.

Sec.
3511. Gold coins of the United States and their weight.
3512. Recoinage of gold coins.
3513. Silver coins and their weight.
3514. Standard for gold and silver coins.
3515. Minor coins; their weight and alloy.
3516. Issue of other coins prohibited.
3517. Inscriptions upon coins.
3535. Deviations allowed in adjusting weights of gold coins.
3536. Of silver coins.
3537. Of minor coins.
3551. National and other medals.
3563. Decimal system established.
3564. Value of foreign coins, how ascertained.
3565. Value of the sovereign or pound sterling.
3566. Recoinage of foreign coins.
3567. Spanish and Mexican coins.
3569. Use of the metric system authorized.
3570. Authorized tables of weights and measures.
3584. Foreign coins.
3585. Gold coins of the United States.
3586. Silver coins of the United States.
3587. Minor coins.
3588. United States notes.
3589. Demand Treasury notes.
3590. Interest-bearing notes.
5457. Counterfeiting gold or silver coin.
5458. Counterfeiting minor coins.
5459. Mutilating coinage.
5460. Debasement of coinage, &c., by officers of Mint.
5461. Making or uttering coins in resemblance of money.
5462. Making or issuing devices of minor coins.
——. Coinage of twenty-cent piece.

Title 37.

Gold coins of the United States and their weight.

SEC. 3511. The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value; a quarter-eagle, or two and a half dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece.

And the standard weight of the gold dollar shall be twenty-five and eight-tenths grains; of the quarter-eagle, or two and a half dollar piece, sixty-four and a half grains; of the three-dollar piece, seventy-seven and four-tenths grains; of the half-eagle, or five-dollar piece, one hundred and twenty-nine grains; of the eagle, or ten-dollar piece, two hundred and fifty-eight grains; of the double-eagle, or twenty-dollar piece, five hundred and sixteen grains.

Recoinage of gold coins.

SEC. 3512. Any gold coins in the Treasury of the United States, when reduced in weight by natural abrasion more than one-half of one per centum below the standard weight prescribed by law, shall be recoined.

Silver coins and their weight.

SEC. 3513. The silver coins of the United States shall be a trade-dollar, a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five cent piece, a dime, or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half-dollar shall be twelve grams and one-half of a gram; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar.

Standard for gold and silver coins.

SEC. 3514. The standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy. The alloy of the silver coins shall be of copper. The alloy of the gold coins shall be of copper, or of copper and silver; but the silver shall in no case exceed one-tenth of the whole alloy. [See § 5460.]

Minor coins; their weight and alloy.

SEC. 3515. The minor coins of the United States shall be a five-cent piece, a three-cent piece, and a one-cent piece. The alloy for the five and three cent pieces shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-cent piece shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by the Director of the Mint. The weight of the piece of five cents shall be seventy-seven and sixteen-hundredths grains troy; of the three-cent piece, thirty grains; and of the one-cent piece, forty-eight grains.

Issue of other coins prohibited.

SEC. 3516. No coins, either of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights set forth in this Title. [See §§ 5457–5462.]

Inscriptions upon coins.

SEC. 3517. Upon the coins there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscriptions "United States of America" and "E Pluribus Unum," and a designation of the value of the coin; but on the gold dollar and three-dollar piece, the dime, five, three, and one cent piece, the figure of the eagle shall be omitted; and on the reverse of the silver trade-dollar the weight and the fineness of the coin shall be inscribed.

Deviations allowed in adjusting weights of gold coins.

SEC. 3535. In adjusting the weights of the gold coins, the following deviation shall not be exceeded in any single piece: In the double-eagle and the eagle, one-half of a grain; in the half-eagle, the three-dollar piece, the quarter-eagle, and the one-dollar piece, one-fourth of a grain. And in weighing a number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed one hundredth of an ounce in five thousand dollars in double-eagles, eagles, half-eagles, or quarter-eagles, in one thousand three-dollar pieces, and in one thousand one-dollar pieces.

Of silver coins.

SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, one and one-half grains. And in weighing a large number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviations from the standard weight shall not exceed two-hundredths of an ounce in one thousand dollars, half-dollars, or quarter-dollars, and one-hundredth of an ounce in one thousand dimes.

Of minor coins.

SEC. 3537. In adjusting the weight of the minor coins provided by this Title, there shall be no greater deviation allowed than three grains for the five-cent piece and two grains for the three and one cent pieces.

National and other medals may be struck at Mint at Philadelphia.

SEC. 3551. Dies of a national character may be executed by the engraver, and national and other medals struck by the coiner of the Mint at Philadelphia, under such regulations as the superintendent, with the approval of the director of the Mint, may prescribe. Such work shall

not, however, interfere with the regular coinage operations, and no private medal dies shall be prepared at any mint, or the machinery or apparatus thereof be used for that purpose.

Decimal system established.

SEC. 3563. The money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents, or hundredths, and mills or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and all accounts in the public offices and all proceedings in the courts shall be kept and had in conformity to this regulation.

Value of foreign coins, how ascertained.

SEC. 3564. The value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated annually by the Director of the Mint, and be proclaimed on the first day of January by the Secretary of the Treasury.

Value of the sovereign or pound sterling.

SEC. 3565. In all payments by or to the Treasury, whether made here or in foreign countries, where it becomes necessary to compute the value of the sovereign or pound sterling, it shall be deemed equal to four dollars eighty-six cents and six and one-half mills, and the same rule shall be applied in appraising merchandise imported where the value is, by the invoice, in sovereigns or pounds sterling, and in the construction of contracts payable in sovereigns or pounds sterling; and this valuation shall be the par of exchange between Great Britain and the United States; and all contracts made after the first day of January, eighteen hundred and seventy-four, based on an assumed par of exchange with Great Britain of fifty-four pence to the dollar, or four dollars forty-four and four-ninths cents to the sovereign or pound sterling, shall be null and void.

Recoinage of foreign coins.

SEC. 3566. All foreign gold and silver coins received in payment for moneys due to the United States shall, before being issued in circulation, be coined anew.

Spanish and Mexican coins.

SEC. 3567. The pieces commonly known as the quarter, eighth, and sixteenth of the Spanish pillar-dollar, and of the Mexican dollar, shall be receivable at the Treasury of the United States, and its several offices, and at the several post-offices, and land-offices, at the rates of valuation following: the fourth of a dollar, or piece of two reals, at twenty cents; the eighth of a dollar, or piece of one real, at ten cents; and the sixteenth of a dollar, or half-real, at five cents.

Use of metric system authorized.

SEC. 3569. It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

Authorized tables of weights and measures.

SEC. 3570. The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing, in terms of the weights and measures now in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system.

MEASURES OF LENGTH.

Metric denominations and values.		Equivalents in denominations in use.
Myriameter	10,000 meters.	6.2137 miles.
Kilometer	1,000 meters.	0.62137 miles, or 3,230 feet and 10 inches.
Hectometer	100 meters.	328 feet and 1 inch.
Dekameter.....	10 meters.	393.7 inches.
Meter	1 meter.	39.37 inches.
Decimeter	$\frac{1}{10}$ of a meter.	3.937 inches.
Centimeter	$\frac{1}{100}$ of a meter.	0.3937 inches.
Millimeter	$\frac{1}{1000}$ of a meter.	0.0394 inches.

MEASURES OF CAPACITY.

Metric denominations and values.			Equivalents in denominations in use.	
Names.	No. of liters.	Cubic measure.	Dry measure.	Liquor or wine measure.
Kiloliter, or stere.	1,000	1 cubic meter ...	1.308 cub. yards..	264.17 galls.
Hectoliter.	100	$\frac{1}{10}$ of a cubic meter	2 bushels and 3.35 pecks.	26.417 galls.
Dekaliter.	10	10 cub. decimeters	9.08 quarts.....	2.6417 galls.
Liter.....	1	1 cub. decimeter.	0.908 quarts.....	1.0567 q'ts.
Deciliter..	$\frac{1}{10}$	$\frac{1}{10}$ of a cubic decimeter.	6.1022 cub. inch..	0.845 gills.
Centiliter.	$\frac{1}{100}$	10 cub. centimeters	0.6102 cub. inch..	0.338 fluid ounces.
Milliliter .	$\frac{1}{1000}$	1 cub. centimeter.	0.061 cub. inch..	0.27 fluid drams.

MEASURES OF SURFACE.

Metric denominations and values.		Equivalents in denominations in use.
Hectare....	10,000 square meters.	2.471 acres.
Are.....	100 square meters.	119.6 square yards.
Centare....	1 square meter.	1550 square inches.

WEIGHTS.

Metric denominations and values.			Equivalents in denominations in use.
Names.	Number of grams.	Weight of what quantity of water at maximum density.	Avoirdupois weight.
Millier or tonneau.	1,000,000	1 cubic meter	2204.6 pounds.
Quintal	100,000	1 hectoliter	220.46 pounds.
Myriagram	10,000	10 liters.....	22.046 pounds.
Kilogram or kilo..	1,000	1 liter	2.2046 pounds.
Hectogram	100	1 deciliter	3.5274 ounces.
Dekagram.....	10	10 cubic centimeters	0.3527 ounces.
Gram	1	1 cubic centimeter.	15.432 grains.
Decigram	$\frac{1}{10}$	$\frac{1}{10}$ of a cubic centimeter.	1.5432 grains.
Centigram.....	$\frac{1}{100}$	10 cubic millimeters	0.1543 grains.
Milligram	$\frac{1}{1000}$	1 cubic millimeter .	0.0154 grains.

Title 39.

Foreign coins.

SEC. 3584. No foreign gold or silver coins shall be a legal tender in payment of debts.

Gold coins of the United States.

SEC. 3585. The gold coins of the United States shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and, when reduced in weight below such standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight.

Silver coins of the United States.

SEC. 3586. The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding five dollars in any one payment.

Minor coins.

SEC. 3587. The minor coins of the United States shall be a legal tender, at their nominal value for any amount not exceeding twenty-five cents in any one payment.

United States notes.

SEC. 3588. United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

Demand Treasury-notes.

SEC. 3589. Demand Treasury notes authorized by the act of July seventeen, eighteen hundred and sixty-one, chapter five, and the act of February twelve, eighteen hundred and sixty-two, chapter twenty, shall be lawful money and a legal tender in like manner as United States notes.

Interest-bearing notes.

SEC. 3590. Treasury notes issued under the authority of the acts of March three, eighteen hundred and sixty-three, chapter seventy-three, and June thirty, eighteen hundred and sixty-four, chapter one hundred and seventy-two, shall be legal tender to the same extent as United States notes, for their face value, excluding interest: *Provided*, That Treasury notes issued under the act last named shall not be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated and intended to circulate as money.

Title 70, Chap. 5.

Counterfeiting gold or silver coins.

SEC. 5457. Every person who falsely makes, forges, or counterfeits, or causes, or procures to be falsely made, forged, or counterfeited, or willingly aids, or assists in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay-offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be made, current in the United States, or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, or has in his possession, any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

Counterfeiting minor coins.

SEC. 5458. Every person who falsely makes, forges, or counterfeits, or causes, or procures to be falsely made, forged, or counterfeited, or willingly aids, or assists in falsely making, forging, or counterfeiting, any coin in the resemblance or similitude of any of the minor coinage which has been, or hereafter may be, coined at the mints of the United States; or who passes, utters, publishes, or sells, or brings into the United States from any foreign place, or has in his possession, any such false, forged, or counterfeited coin, with intent to defraud any person whatsoever, shall be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor not more than three years.

Mutilating coinage.

SEC. 5459. Every person who fraudulently, by any art, way, or means, defaces, mutilates, impairs, diminishes, falsifies, scales or lightens the gold and silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use and circulation as money within the United States, shall be imprisoned not more than two years and fined not more than two thousand dollars.

Debasement of coinage, &c., by officers of the mint.

SEC. 5460. If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to the proportion of fine gold or fine silver therein contained; or shall be of less weight or value than the same ought to be, pursuant to law; or if any of the weights used at any of the mints or assay-offices of the United States shall be defaced, increased, or diminished through the fault or connivance of any of the officers or persons who are employed at the said mints or assay-offices with a fraudulent intent; and if any of the said officers or persons shall embezzle any of the metals at any time committed to their charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay-offices at any time committed to their charge, or of which they may have assumed the charge, every such officer or person who commits any or either of the said offenses shall be imprisoned at hard labor for a term not less than one year nor more than ten years, and shall be fined in a sum not more than ten thousand dollars.

Making or uttering coin in resemblance of money.

SEC. 5461. Every person who, except as authorized by law, makes or causes to be made, or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be punished by a fine of not more than three thousand dollars, or by imprisonment not more than five years, or both.

Making or issuing devices of minor coins.

SEC. 5462. Every person not lawfully authorized, who makes, issues, or passes, or causes to be made, issued, or passed, any coin, card, token or device in metal or its compounds, which may be intended to be used as money for any one-cent, two-cent, three-cent, or five-cent piece, now or hereafter authorized by law, or for coins of equal value, shall be punished by a fine of not more than one thousand dollars, and by imprisonment not more than five years.

An act authorizing the coinage of a twenty-cent piece of silver at the mints of the United States.

March 3, 1875.

Twenty-cent silver coin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, from time to time, coined at the mints of the United States, conformably in all respects to the coinage act of eighteen hundred and seventy-three a coin of silver of the denomination of twenty cents and of the weight of five grams.

Legal tender, for what sums.

SEC. 2. That the twenty cent piece shall be a legal tender at its nominal value for any amount not exceeding five dollars in any one payment.

Deviation from standard weight.

SEC. 3. That in adjusting the weight of the twenty-cent piece, the deviation from the standard weight shall not exceed one and one half grains; and in weighing a large number of pieces together, when delivered by the coiner to the superintendent and by the superintendent to the depositor the deviation from the standard weight shall not exceed two hundredths of an ounce in one thousand pieces.

Existing laws applicable to twenty-cent coin.

SEC. 4. That all laws now in force in relation to the coins of the United States, and the coinage of the same, shall, as far as applicable, have full force and effect in relation to the coin herein authorized whether the said laws are penal or otherwise and whether they are for preventing counterfeiting or abasement, for protecting the currency, for regulating the process of coining and the preparation therefor, or for the security of the coin, or for any other purpose.

Approved, March 3, 1875.

COLLISIONS—RULES OF THE SEA.

Sec.
4233. Rules for preventing collisions.
Sec.
4234. Forfeiture of sailing-vessels for omission of lights.

Title 48, Chap. 5.

Rules for preventing collisions.

SEC. 4233. The following rules for preventing collisions on the water, shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States:

STEAM AND SAIL VESSELS.

Rule one. Every steam-vessel which is under sail, and not under steam, shall be considered a sail-vessel; and every steam-vessel which is under steam, whether under sail or not, shall be considered a steam-vessel.

LIGHTS.

Rule two. The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise.

Rule three. All ocean-going steamers, and steamers carrying sail, shall, when under way, carry—

(A) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(B) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at

least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(C) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow.

Rule four. Steam-vessels, when towing other vessels, shall carry two bright white mast-head lights vertically, in addition to their side-lights, so as to distinguish them from other steam-vessels. Each of these mast-head lights shall be of the same character and construction as the mast-head lights prescribed by Rule three.

Rule five. All steam-vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and ports sides lights of the same character and construction and in the same position as are prescribed for side-lights by Rule three, except in the case provided in Rule six.

Rule six. River-steamers, navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke-pipe, and one green light on the outboard side of the starboard smoke-pipe. Such lights shall show both forward and abeam on their respective sides.

Rule seven. All coasting steam-vessels, and steam-vessels other than ferry-boats and vessels otherwise expressly provided for, navigating the bays, lakes, rivers, or other inland waters of the United States, except those mentioned in Rule six, shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the after-light being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The head-light shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to two points abaft the beam on either side of the vessel; and the after-light so as to show all around the horizon. The lights for ferry-boats shall be regulated by such rules as the board of supervising inspectors of steam-vessels shall prescribe.

Rule eight. Sail-vessels, under way or being towed, shall carry the same lights as steam-vessels under way, with the exception of the white mast-head lights, which they shall never carry.

Rule nine. Whenever, as in case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectfully contain, and shall be provided with suitable screens.

Rule ten. All vessels, whether steam-vessels or sail-vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile.

Rule eleven. Sailing pilot-vessels shall not carry the lights required for other sailing-vessels, but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

Rule twelve. Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good

white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam-vessels.

Rule thirteen. Open boats shall not be required to carry the side-lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient.

Rule fourteen. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

FOG-SIGNALS.

Rule fifteen. Whenever there is a fog, or thick weather, whether by day or night, fog-signals shall be used as follows:

(A) Steam-vessels under way shall sound a steam-whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute.

(B) Sail-vessels under way shall sound a fog-horn at intervals of not more than five minutes.

(C) Steam-vessels and sail-vessels, when not under way, shall sound a bell at intervals of not more than five minutes.

(D) Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam-whistle, at intervals of not more than two minutes.

STEERING AND SAILING RULES.

Rule sixteen. If two sail-vessels are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Rule seventeen. When two sail-vessels are crossing so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the way of the vessel with the wind on the starboard side, except in the case in which the vessel with the wind on the port side is close-hauled, and the other vessel free, in which case the latter vessel shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

Rule eighteen. If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Rule nineteen. If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Rule twenty. If two vessels, one of which is a sail-vessel and the other a steam-vessel, are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sail-vessel.

Rule twenty-one. Every steam-vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-vessel shall, when in a fog, go at a moderate speed.

Rule twenty-two. Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel.

Rule twenty-three. Where, by Rules seventeen, nineteen, twenty, and twenty-two, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of Rule twenty-four.

Rule twenty-four. In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circum-

stances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger.

Forfeiture of sailing-vessels for omission lights.

SEC. 4234. Collectors, or other chief officers of the customs, shall require all sail-vessels to be furnished with proper signal-lights, and every such vessel shall, on the approach of any steam-vessel during the night-time, show a lighted torch upon that point or quarter to which such steam-vessel shall be approaching. Every such vessel that shall be navigated without complying with the provisions of this and the preceding section, shall be liable to a penalty of two hundred dollars, one-half to go to the informer; for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel, in any district court of the United States having jurisdiction of the offense.

COMMODORES AND COMMANDERS.

See LINE OFFICERS.

CONGRESS.

ELECTION OF SENATORS.

Sec.
14. When Senators to be elected.
15. Mode of election.
16. Vacancy occurring before meeting of legislature.
17. Vacancy during session of legislature.
18. Election of Senators certified.
19. Countersign of certificate.

When Senators to be elected.

SEC. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

Mode of election.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva-voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At twelve o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva-voce vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote, until a Senator is elected.

Vacancy occurring before meeting of legislature.

SEC. 16. Whenever on the meeting of the legislature of any State a vacancy exists in the representation of such State in the Senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

Vacancy during session of legislature.

SEC. 17. Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature is organized and has notice of such vacancy.

Election of Senators certified.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

Countersign of certificate.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of state of the State.

APPORTIONMENT AND ELECTION OF REPRESENTATIVES.

Sec.
20. Number and apportionment of Representatives.
21. Representatives assigned to new States.
22. Reduction of representation under amendment 14.
23. Elections by districts.
25. Time of election.
26. Vacancies.
27. Votes by ballot.
1863. Election of delegates.
1905. Election in certain Territories.
1906. Delegates to be citizens of United States.
5511. Fraudulent voting.
5515. Officers of elections.
5520. Conspiracy against candidates.
——. Amending section 25.

Title 2, Chap. 2.

Number and apportionment of Representatives.

SEC. 20. After the third day of March, eighteen hundred and seventy-three, the House of Representatives shall be composed of two hundred and ninety-two members, to be apportioned among the several States as follows:

Maine, 5; New Hampshire, 3; Vermont, 3; Massachusetts, 11; Rhode Island, 2; Connecticut, 4; New York, 33; New Jersey, 7; Pennsylvania, 27; Delaware, 1; Maryland, 6; Virginia, 9; North Carolina, 8; South Carolina, 5; Georgia, 9; Alabama, 8; Mississippi, 6; Louisiana, 6; Ohio, 20; Kentucky, 10; Tennessee, 10; Indiana, 13; Illinois, 19; Missouri, 13; Arkansas, 4; Michigan, 9; Florida, 2; Texas, 6; Iowa, 9; Wisconsin, 8; California, 4; Minnesota, 3; Oregon, 1; Kansas, 3; West Virginia, 3; Nevada, 1; Nebraska, 1.

Representatives assigned to new States.

SEC. 21. Whenever a new State is admitted to the Union, the Representatives assigned to it shall be in addition to the number two hundred and ninety-two.*

Reduction of representation under amendment 14.

SEC. 22. Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article fourteen, section two, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

Elections by districts.

SEC. 23. In each State entitled under this apportionment to more than one Representative, the number to which such State may be entitled in the Forty-third and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative; but in the election of Representatives to the Forty-third Congress in any State to which an increased number of Representatives is given by this apportionment, the additional Representative or Representatives may be elected by the State at large, and the other Representatives by the districts as now prescribed by law, unless the legislature of the State shall otherwise provide before the time fixed by law for the election of Representatives therein.

Time of election.

SEC. 25. The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter. [See §§ 1863, 1905, 1906, and March 3, 1875, *post.*]

SEC. 26. The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

Votes by ballot.

SEC. 27. All votes for Representatives in Congress must be by written or printed ballot; and all votes received or recorded contrary to this section shall be of no effect. But this section shall not apply to any State voting otherwise whose election for Representatives occurs pre-

* Senators, Representatives, and Delegates are entitled to five thousand dollars per annum, and mileage at the rate of twenty cents a mile going and returning at each regular session of Congress. The pay of the Speaker of the House is eight thousand dollars per annum.

vious to the regular meeting of its legislature next after the twenty-eighth day of February, eighteen hundred and seventy-one. [See §§ 5511-5515, 5520.]

Title 23, Chap. 1.

Time, places, and manner of electing Delegate.

SEC. 1863. The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for a Delegate in organized Territories, such time, places, and manner of holding the election shall be prescribed by the law of each Territory. [See § 25.]

Title 23, Chap. 2.

Elections in Washington and Idaho.

SEC. 1905. The elections in the Territories of Washington and Idaho for Delegates to the House of Representatives shall be held biennially on the Tuesday next following the first Monday in November; and all elective territorial, county, and precinct officers shall hereafter be elected at the times herein specified, unless otherwise provided by legislation subsequent hereto, in either of such Territories. [See § 25.]

Delegate to Congress, &c., to be citizen of United States.

SEC. 1906. The Delegate to the House of Representatives from each of the Territories of Washington, Idaho, and Montana, must be a citizen of the United States.

Title 70, Chap. 7.

Fraudulent voting, &c., at elections for Representative to Congress.

SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

Violation of duty by officers of election.

SEC. 5515. Every officer of an election at which any Representative or Delegate in Congress is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respectingthe election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section fifty-five hundred and ten [See § 5511.]

Conspiracy to prevent the support of any candidate, &c.

SEC. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy, in a legal manner,

toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of the Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

[From Sundry Civil Bill. Sec. 6.]

R. S., 25, modified.

That section twenty-five of the Revised Statutes prescribing the time for holding elections for Representatives to Congress, is hereby modified so as not to apply to any State that has not yet changed its day of election, and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State.

Approved March 3, 1875.

CHANGE OF PLACE OF MEETING.

Title 2, Chap. 3.

President may change place of meeting, when.

SEC. 34. Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the members to meet at the seat of Government, the President is authorized, by proclamation, to convene Congress at such other place as he may judge proper.

CONGRESSIONAL INVESTIGATIONS.

Sec.
101. Oaths to witnesses, by whom administered.
102. Refusal of witnesses to testify.
103. No privilege to refuse to answer criminating questions.
104. Proceedings against witnesses failing to testify.
859. Testimony not to be used in criminal prosecution.

Title 2, Chap. 7.

Oaths to witnesses, by whom administered.

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Refusal of witness to testify.

SEC. 102. Every person who, having been summoned as a witness by the authority of either House of Congress, to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not less than one month nor more than twelve months.

No privilege to refuse to answer criminating questions.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. [See § 859.]

Proceedings against witnesses failing to testify.

SEC. 104. Whenever a witness summoned as mentioned in section one hundred and two fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Title 13, Chap. 17.

Testimony of witnesses not admissible against them in criminal prosecutions.

SEC. 859. No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege. [See § 103.]

CONGRESSIONAL DIRECTORY.

Title 2, Chap. 5.

Congressional Directory.

SEC. 77. A congressional directory shall be compiled at each session of Congress under the direction of the Joint Committee on Public Printing, and the first edition for each session shall be ready for distribution within one week after the commencement thereof.

Title 45.

SEC. 3301. The first edition of the Congressional Directory for each session shall be printed and ready for distribution within one week after the commencement thereof. [See § 77.]

CONSULAR OFFICERS.

See DIPLOMATIC OFFICERS, also FOREIGN RELATIONS.

CONTINGENT FUND.

Sec.
193. Annual report of expenditure.
1779. Expenditure for newspapers.
1780. Failure to make report.
Sec.
3682. Restrictions on contingent appropriations.
3683. Upon purchases from contingent fund.

Title 4.

Annual report of expenditure of contingent funds.

SEC. 193. The head of each Department shall make an annual report to Congress, giving a detailed statement of the manner in which the contingent fund for his Department, and for the Bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress.

Title 19.

Expenditure for newspapers.

SEC. 1779. No executive officer, other than the heads of Departments, shall apply more than thirty dollars, annually, out of the Contingent Fund under his control, to pay for newspapers, pamphlets, periodicals or other books or prints not necessary for the business of his office.

Failure to make returns or reports.

SEC. 1780. Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such act or regulation, shall be fined not more than one thousand dollars and not less than one hundred.

Title 41.

Restrictions on contingent, &c., appropriations.

SEC. 3682. No moneys appropriated for contingent, incidental or miscellaneous purposes shall be expended or paid for official or clerical compensation.

Upon purchases from contingent funds.

SEC. 3683. No part of the Contingent Fund appropriated to any Department, Bureau, or office, shall be applied to the purchase of any articles except such as the head of the Department shall deem necessary and proper to carry on the business of the Department, Bureau, or office, and shall, by written order, direct to be procured. [See § 192, NEWSPAPERS, &c.]

CONTRACTS, SUPPLIES, ETC.

Sec.
Sec.

Legislative, executive, and judicial appropriation act.

* * Hereafter a detailed statement of the expenditure for the preceding fiscal year of all sums appropriated for contingent expenses in any Department or Bureau of the Government, shall be presented to Congress at the beginning of each regular session.

Approved June 20, 1874.

Sec.
3733. No contract to exceed appropriation.
3734. Restrictions on commencement of new buildings.
3735. Contracts limited to one year.
3736. Restriction on purchases of land.
3737. No transfer of contract.
3738. Eight hours to be a day's work.
3739. Members of Congress not to be interested in contracts.
3740. What interest members of Congress may have.
3741. Stipulation that no member of Congress has an interest.
3742. Penalty against officer for making contract with a member of Congress.
3743. Deposit of contracts.
3744. Contracts to be in writing.
3745. Oath to contract.
3746. Penalty for omitting returns.
3747. Instructions.
5503. Officer of the Government contracting beyond specific appropriation.

Title 15, Chap. 7.

Regulations of supplies.

SEC. 1549. It shall be the duty of the President to make, subject to the provisions of law concerning supplies, such regulations for the purchase, preservation, and disposition of all articles, stores, and supplies for persons in the Navy, as may be necessary for the safe and economical administration of that branch of the public service.

Title 40.

Advances of public money on contracts.

SEC. 3648. No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previous to such payment. * * *

Title 41.

Advertisements for proposals.

SEC. 3709. All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

Opening bids.

SEC. 3710. Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.

Contracts for the military or naval service, how controlled.

SEC. 3714. All purchases and contracts for supplies or services for the military and naval service shall be made by or under the direction of the chief officers of the Departments of War and of the Navy, respectively. [See §§ 512–515, RETURNS OFFICE.]

Naval supplies to be furnished by contract.

SEC. 3718. All provisions, clothing, hemp, and other materials of every name and nature, for the use of the Navy, and the transportation thereof, when time will permit, shall be furnished by contract, by the lowest bidder, as follows: In the case of provisions, clothing, hemp, and other materials, the Secretary of the Navy shall advertise, once a week, for at least four weeks, in one or more of the principal papers published in the place where such articles are to be furnished, for sealed proposals for furnishing the same, or the whole of any particular class thereof, specifying the classes of materials and referring bidders to the several chiefs of Bureaus, who will furnish them with printed schedules, giving a full description of each and every article, with dates of delivery, and so forth. In the case of transportation of such articles, he shall advertise for a period of not less than five days. All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when they shall be opened by or under the direction of the officer making such advertisement, in the presence of at least two persons. The person offering to furnish any class of such articles, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for furnishing the same.

Guarantee of bid.

SEC. 3719. Every proposal for naval supplies invited by the Secretary of the Navy, under the preceding section, shall be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of the Navy, give bond, with good and sufficient sureties, to furnish the supplies proposed; and no proposal shall be considered, unless accompanied by such guarantee. If, after the acceptance of a proposal, and a notification

thereof to the bidder, he fails to give such bond within the time prescribed by the Secretary of the Navy, the Secretary shall proceed to contract with some other person for furnishing the supplies; and shall forthwith cause the difference between the amount contained in the proposal so guaranteed and the amount for which he may have contracted for furnishing the supplies, for the whole period of the proposal, to be charged up against the bidder and his guarantor; and the same may be immediately recovered by the United States, for the use of the Navy Department, in an action of debt against either or all of such persons.

Record of bid and report to Congress.

SEC. 3720. All such proposals for naval supplies shall be preserved and recorded, and reported by the Secretary of the Navy to Congress at the commencement of every regular session. The report shall contain a schedule embracing the offers by classes, indicating such as have been accepted. In case of a failure to supply the articles or to perform the work by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States.

Purchases without advertisements.

Ordnance, gunpowder, medicines, tobacco, butter, cheese, contraband of war.

SEC. 3721. The provisions which require that supplies shall be purchased by the Secretary of the Navy from the lowest bidder, after advertisement, shall not apply to ordnance, gunpowder, or medicines, or the supplies which it may be necessary to purchase out of the United States for vessels on foreign stations, or bunting delivered for the use of the Navy, or tobacco, or butter or cheese destined for the use of the Navy, or things contraband of war. Contracts for butter and cheese for the use of the Navy may be made for periods longer than one year, if, in the opinion of the Secretary of the Navy, economy and the quality of the ration will be promoted thereby. The Secretary of the Navy may enter into contracts for tobacco, from time to time, as the service requires, for a period not exceeding four years; and in making such contracts he shall not be restricted to the lowest bidder, unless, in his opinion, economy and the best interests of the service will be thereby promoted.

What bids may be rejected.

SEC. 3722. The chief of any Bureau of the Navy Department, in contracting for naval supplies, shall be at liberty to reject the offer of any person who, as principal or surety, has been a defaulter in any previous contract with the Navy Department. Parties who have made default as principals or sureties in any former contract shall not be received as sureties on other contracts; nor shall the copartners of any firm be received as sureties for such firm or for each other; nor, in contracts with the same Bureau, shall one contractor be received as surety for another. Every contract shall require the delivery of a specified quantity, and no bids having nominal or fictitious prices shall be considered. If more than one bid be offered by any one party, by or in the name of his or their clerk, partner, or other person, all such bids may be rejected; and no person shall be received as a contractor who is not a manufacturer of, or regular dealer in, the articles which he offers to supply. All persons offering bids shall have the right to be present when the bids are opened and inspect the same.

Opening bids.

Contracts for foreign supplies for the Navy.

SEC. 3723. No chief of a Bureau shall make any contract for supplies for the Navy, to be executed in a foreign country, except it be on first advertising for at least thirty days in two daily newspapers of the city of New York, inviting sealed bids for furnishing the supplies desired; which bids shall be opened in the presence of the Secretary of the Navy and the heads of two Bureaus; and contracts shall in all cases be awarded to the lowest bidder; and paymasters for the Navy on foreign stations shall render, when practicable, with their accounts, an official certificate from the resident consul, or commercial or consular agent of the United States, if there be one, to be furnished gratuitously, vouching that all purchases and expenditures made by the paymasters were made at the ruling market-prices of the place at the time of purchase or expenditure.

Rejection of excessive bids.

SEC. 3724. Where articles are advertised and bid for in classes, and in the judgment of the Secretary of the Navy any one or more articles appear to be bid for at excessive or unreasonable prices, exceeding ten per centum above their fair market-value, he shall be authorized to reject such bid.

Hemp.

SEC. 3725. All hemp, or preparations of hemp, used for naval purposes by the Government of the United States, shall be of American

growth or manufacture, when the same can be obtained of as good quality and at as low a price as foreign hemp.

Preserved meats, &c.

SEC. 3726. The Secretary of the Navy is authorized to procure the preserved meats, pickles, butter, and desiccated vegetables, in such manner and under such restrictions and guarantees as in his opinion will best insure the good quality of said articles.

Flour and bread.

SEC. 3727. The Secretary of the Navy is authorized to purchase, in such manner as he shall deem most advantageous to the Government, the flour required for naval use; and to have the bread for the Navy baked from this flour by special contract under naval inspection.

Home manufactures to be preferred.

SEC. 3728. The Secretary of the Navy, in making contracts and purchases of articles for naval purposes, shall give the preference, all other things, including price and quality, being equal, to articles of the growth, production, and manufacture of the United States. In purchasing fuel for the Navy, or for naval stations and yards, the Secretary of the Navy shall have power to discriminate and purchase, in such manner as he may deem proper, that kind of fuel which is best adapted to the purpose for which it is to be used.

Fuel.

Bunting.

SEC. 3729. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury may enter into contract, in open market, for bunting of American manufacture, as their respective services require, for a period not exceeding one year, and at a price not exceeding that at which an article of equal quality can be imported.

Relinquishment of reservations on deliveries.

SEC. 3730. The Secretary of the Navy may relinquish and pay all reservations of the ten per centum upon deliveries made under contracts with the Navy Department, where these reservations have arisen and the contracts have been afterward extended, or where the contracts have been completed after the time of delivery, by and with the consent of the Department, or where the contracts have been dissolved by the like consent, or have been terminated, or an extension thereof has been prevented by operation of law, where no injury has been sustained by the public service.

Name of contractor to appear on supplies.

SEC. 3731. Every person who shall furnish supplies of any kind to the Army or Navy shall be required to mark and distinguish the same with the name of the contractor furnishing such supplies, in such manner as the Secretary of War and the Secretary of the Navy may, respectively, direct; and no supplies of any kind shall be received, unless so marked and distinguished.

Unauthorized contracts prohibited.

SEC. 3732. No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

No contract to exceed appropriation.

SEC. 3733. No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. [See § 5503.]

Restrictions on commencement of new buildings.

SEC. 3734. Before any new buildings for the use of the United States are commenced, the plans and full estimates therefor shall be prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; and the cost of each building shall not exceed the amount of such estimate. [See § 3663, APPROPRIATIONS.]

Contracts limited to one year.

SEC. 3735. It shall not be lawful for any of the Executive Departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made.

Restriction on purchases of land.

SEC. 3736. No land shall be purchased on account of the United States, except under a law authorizing such purchase.

No transfer of contracts.

SEC. 3737. No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

Eight hours to be a day's work.

SEC. 3738. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States. [See § 3689, under APPROPRIATIONS.]

Members of Congress not to be interested in contracts.

SEC. 3739. No member of or Delegate to Congress shall directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum of money so advanced.

What interest members of Congress may have.

SEC. 3740. Nothing contained in the preceding section shall extend, or be construed to extend, to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any member of Congress, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

Stipulation that no member of Congress has an interest.

SEC. 3741. In every such contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

Penalty against officer for making contract with a member of Congress.

SEC. 3742. Every officer who, on behalf of the United States, directly or indirectly makes or enters into any contract, bargain, or agreement in writing or otherwise, other than such as are hereinbefore excepted, with any member of Congress, shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars.

Deposit of contracts.

SEC. 3743. All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited in the office of the First Comptroller of the Treasury of the United States, within ninety days after their respective dates.

Contracts to be in writing.

SEC. 3744. It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, to cause and require every contract made by them severally on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof; a copy of which shall be filed by the officer making and signing the contract in the Returns Office of the Department of the Interior, as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal, and marked by numbers in regular order, according to the number of papers composing the whole return. [See §§ 512–515, RETURNS OFFICE.]

Oath to contract.

SEC. 3745. It shall be the further duty of the officer, before making his return, according to the preceding section, to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ———; that I made the same fairly without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ———, or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided."

Penalty for omitting returns.

SEC. 3746. Every officer who makes any contract, and fails or neglects to make return of the same, according to the provisions of the two preceding sections, unless from unavoidable accident or causes not within his control, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred, and imprisoned not more than six months.

Instructions.

SEC. 3747. It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior to furnish every officer appointed by them with authority to make contracts on behalf of the Government with a printed letter of instructions, setting forth the duties of such officer, under the two preceding sections, and also to furnish therewith forms, printed in blank, of contracts to be made, and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible.

Title 70, Chap. 6.

Officer of the Government contracting beyond specific appropriation.

SEC. 5503. Every officer of the Government who knowingly contracts for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be punished by imprisonment not less than six months nor more than two years, and shall pay a fine of two thousand dollars. [See § 3733.]

CO-OPERATION WITH THE ARMY.

Sec. 1135. Supplies to naval and marine detachments.

Title 14, Chap. 1.

Supplies to naval and marine detachments.

SEC. 1135. The officers of the Quartermaster's Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp equippage, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage.

COOLY-TRADE.

See IMMIGRATION.

COURT OF CLAIMS.

[For SUPREME, CIRCUIT, AND DISTRICT COURTS, see JUDICIARY.]

Sec.
188. Evidence to be furnished by the Departments.
1052. Sessions and quorum.
1059. Jurisdiction.
1060. Private claims in Congress, when transmitted to Court of Claims.
1061. Judgment for set-off or counter-claim, how enforced.
1062. Decree on account of paymasters, &c.
1063. Claims referred by Departments.
1064. Procedure in cases transmitted by Departments.
1065. Judgments in cases transmitted by Departments, how paid.
1066. Claims growing out of treaties not cognizable therein.
1067. Claims pending in other courts not to be prosecuted in Court of Claims.
1068. Aliens.
1069. Limitation.
1070. Rules of practice; contempts.
1071. Oaths and acknowledgments.
1072. Petition.
1073. Petition dismissed if issue found against claimant as to allegiance, &c.

Sec.
1074. Burden of proof and evidence as to loyalty.
1075. Commissioner to take testimony.
1076. Power to call upon Departments for information.
1077. When testimony not to be taken.
1078. Witnesses not excluded on account of color.
1079. Parties and persons interested excluded as witnesses.
1080. Examination of claimant.
1081. Testimony taken where deponent resides.
1082. Witnesses, how compelled to attend before commissioners.
1083. Cross-examination.
1084. Witnesses, how sworn.
1085. Fees of commissioner, by whom paid.
1086. Claims forfeited for fraud.
1087. New trial on motion of claimant.
1088. New trial on motion of United States.
1089. Payment of judgments.
1090. Interest.
1091. Interest on claims.
1092. Payment of judgment a full discharge, &c.
1093. Final judgments a bar.

Title 4.

Evidence to be furnished by the Departments in suits pending in the Court of Claims.

SEC. 188. In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any Department, or any Bureau, officer, or agent of a Department, or where the matter or thing on which the claim is based has been passed upon and decided by any Department, Bureau, or officer authorized to adjust it, the Attorney-General shall transmit to such Department, Bureau, or officer, a printed copy of the petition filed by the claimant, with a request that the Department, Bureau, or officer, shall furnish to the Attorney-General all facts, circumstances, and evidence touching the claim in the possession or knowledge of the Department, Bureau, or officer. Such Department, Bureau, or officer shall; without delay, and within a reasonable time, furnish the Attorney-General with a full state-

ment, in writing, of all such facts, information, and proofs. The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the Department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the Department, Bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the Department, Bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a Department, or where such regulation has, in the opinion of the Department, Bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases, is pending, the defense to which rests upon the same facts, circumstances, and proofs, the Department, Bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases, as if made out, certified, and transmitted in each case respectively.

Title 13, Chap. 20.

Sessions, quorum.

SEC. 1052. The Court of Claims shall hold one annual session, at the city of Washington, beginning on the first Monday in December, and continuing as long as may be necessary for the prompt disposition of the business of the court. And any two of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business.*

Title 13, Chap. 21.

Jurisdiction.

Claims founded on statutes or contracts, or referred by Congress.

SEC. 1059. The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

Set-offs and counter-claims of United States.

Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government of the United States against any person making claim against the Government in said court.

Disbursing officers.

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

Claims for captured and abandoned property.

Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, eighteen hundred and sixty-three, chapter one hundred and twenty, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," or by the act of July two, eighteen hundred and sixty-four, chapter two hundred and twenty-five, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property in virtue or under color of said acts from suit at common law, or any other mode of redress whatever, before any court other than said Court of Claims.†

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* Any three judges of the Court of Claims shall constitute a quorum: *Provided*, That the concurrence of three judges shall be necessary to the decision of any case. (Approved June 23, 1874.)

† *Amendatory act.*—Section one thousand and fifty-nine is amended by adding to the fourth paragraph the following additional proviso: "*Provided also*, That the jurisdiction of the Court of Claims shall not extend to any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the Army or Navy engaged in the suppression of the rebellion." (Approved February 18, 1875.)

Private claims in Congress, when transmitted to Court of Claims.

SEC. 1060. All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.

Judgments for set-off or counter-claim, how enforced.

SEC. 1061. Upon the trial of any cause in which any set-off, counter-claim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government, it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district or circuit court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such courts are enforced.

Decree on accounts of paymasters, &c.

SEC. 1062. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed, as a credit in the settlement of his accounts.

Claims referred by Departments.

SEC. 1063. Whenever any claim is made against any Executive Department, involving disputed facts or controverted questions of law, where the amount in controversy exceeds three thousand dollars, or where the decision will affect a class of cases, or furnish a precedent for the future action of any Executive Department in the adjustment of a class of cases, without regard to the amount involved in the particular case, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution of the United States, the head of such Department may cause such claim, with all the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall be there proceeded in as if originally commenced by the voluntary action of the claimant; and the Secretary of the Treasury may, upon the certificate of any Auditor or Comptroller of the Treasury, direct any account, matter, or claim of the character, amount, or class described in this section, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court, for trial and adjudication: *Provided*, That no case shall be referred by any head of a Department unless it belongs to one of the several classes of cases which, by reason of the subject-matter and character, the said court might, under existing laws, take jurisdiction of on such voluntary action of the claimant.

Procedure in cases transmitted by Departments.

SEC. 1064. All cases transmitted by the head of any Department, or upon the certificate of any Auditor or Comptroller, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.

Judgments in cases transmitted by Departments, how paid.

SEC. 1065. The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.

Claims growing out of treaties not cognizable therein.

SEC. 1066. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December one, eighteen hundred and sixty-two, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.

Claims pending in other courts not to be prosecuted in Court of Claims.

SEC. 1067. No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect of which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect

thereto, acting or professing to act, mediately or immediately, under the authority of the United States.

Aliens.

SEC. 1068. Aliens, who are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts, shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject-matter and character, might take jurisdiction.

Limitation.

SEC. 1069. Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues: *Provided*, That the claims of married women first accrued during marriage, of persons under the age of twenty-one years first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

Rules of practice; contempts.

SEC. 1070. The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and may exercise such powers as are necessary to carry into effect the powers granted to it by law.

Oaths and acknowledgments.

SEC. 1071. The judges and clerks of said court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same.

SEC. 1072. The claimant shall, in all cases, fully set forth in his petition the claim, the action thereon in Congress, or by any of the Departments, if such action has been had; what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim, or of any part thereof or interest therein, has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States, after allowing all just credits and offsets; that the claimant, and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the said petition to be true. And the said petition shall be verified by the affidavit of the claimant, his agent, or attorney.

Petition dismissed, if issue found against claimant as to allegiance, &c.

SEC. 1073. The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.

Burden of proof and evidence as to loyalty.

SEC. 1074. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States, and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima-facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

Commissioners to take testimony.

SEC. 1075. The Court of Claims shall have power to appoint commissioners to take testimony to be used in the investigation of claims which come before it; to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States.

Power to call upon Departments for information.

SEC. 1076. The said court shall have power to call upon any of the Departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any Department may refuse and omit to comply with any call for information or papers

when, in his opinion, such compliance would be injurious to the public interest.

When testimony not to be taken.

SEC. 1077. When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not be the duty of the court to authorize the taking of any testimony therein.

Witnesses not excluded on account of color.

SEC. 1078. No witness shall be excluded in any suit in the Court of Claims on account of color.

Parties and persons interested excluded as witnesses.

SEC. 1079. No claimant, nor any person from or through whom any such claimant derives his alleged title, claim, or right against the United States, nor any person interested in any such title, claim, or right, shall be a competent witness in the Court of Claims in supporting the same, and no testimony given by such claimant or person shall be used except as provided in the next section.

Examination of claimant.

SEC. 1080. The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court, and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such order is made, and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises.

Testimony taken where deponent resides.

SEC. 1081. The testimony in cases pending before the Court of Claims shall be taken in the county where the witness resides, when the same can be conveniently done.

Witnesses, how compelled to attend before commissioners.

SEC. 1082. The Court of Claims may issue subpœnas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein, and such subpœnas shall have the same force as if issued from a district court, and compliance therewith shall be compelled under such rules and orders as the court shall establish.

Cross-examination.

SEC. 1083. In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe; and like opportunity shall be afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations.

Witnesses, how sworn.

SEC. 1084. The commissioner taking testimony to be used in the Court of Claims shall administer an oath or affirmation to the witnesses brought before him for examination.

Fees of commissioner, by whom paid.

SEC. 1085. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when it is taken at the instance of the Government, such fees, together with all postage incurred by the Assistant Attorney-General, shall be paid out of the contingent fund provided for the Court of Claims, or other appropriation made by Congress for that purpose.

Claims forfeited for fraud.

SEC. 1086. Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim, or of any part of any claim against the United States, shall ipso facto forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same.

New trial on motion of claimant.

SEC. 1087. When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

New trial on motion of United States.

SEC. 1088. The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion on behalf of the United

States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law.

Payment of judgments.

SEC. 1089. In all cases of final judgments by the Court of Claims, or, on appeal, by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court.

Interest.

SEC. 1090. In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of five per centum shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid, but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.

Interest on claims.

SEC. 1091. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

Payment of judgment a full discharge, &c.

SEC. 1092. The payment of the amount due by any judgment of the Court of Claims and of any interest thereon allowed by law, as hereinbefore provided, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.

Final judgments a bar.

SEC. 1093. Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.

COURTS-MARTIAL AND COURTS OF INQUIRY.

SUMMARY COURTS-MARTIAL.

Art.
26. Summary courts-martial.
27. Constitution of summary courts-martial.
28. Oath of members and recorder.
29. Testimony.
30. Punishments by summary courts.
31. Disrating for incompetency.
32. Execution of sentence of summary court.
33. Remission of sentence.
34. Manner of conducting proceedings.
35. Same punishments by general court-martial.

Title 15, Chap. 10, Sec. 1624.

Summary courts-martial.

ART. 26. Summary courts-martial may be ordered upon petty officers and persons of inferior ratings, by the commander of any vessel, or by the commandant of any navy-yard, naval station, or marine barracks to which they belong, for the trial of offenses which such officer may deem deserving of greater punishment than such commander or commandant is authorized to inflict, but not sufficient to require trial by a general court-martial.

Constitution of summary courts-martial.

ART. 27. A summary court-martial shall consist of three officers not below the rank of ensign, as members, and of a recorder. The commander of a ship may order any officer under his command to act as such recorder.

Oath of members and recorder.

ART. 28. Before proceeding to trial the members of a summary court-martial shall take the following oath or affirmation, which shall be administered by the recorder: "I, A B, do swear (or affirm) that I will well and truly try, without prejudice or partiality, the case now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and my own conscience." After which the recorder of the court shall take the following oath or affirmation, which shall be administered by the senior member of the court: "I, A B, do swear (or affirm) that I will keep a true record of the evidence which shall be given before this court and of the proceedings thereof."

Testimony.

ART. 29. All testimony before a summary court-martial shall be given orally, upon oath or affirmation, administered by the senior member of the court.

Punishments by summary courts.

ART. 30. Summary courts-martial may sentence petty officers and persons of inferior ratings to any one of the following punishments, namely:

First. Discharge from the service with bad conduct discharge; but the sentence shall not be carried into effect in a foreign country.

Second. Solitary confinement, not exceeding thirty days, in irons, single or double, on bread and water, or on diminished rations.

Third. Solitary confinement in irons, single or double, not exceeding thirty days.

Fourth. Solitary confinement not exceeding thirty days.

Fifth. Confinement not exceeding two months.

Sixth. Reduction to next inferior rating.

Seventh. Deprivation of liberty on shore on foreign station.

Eighth. Extra police duties, and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments.

Disratting for incompetency.

ART. 31. A summary court-martial may disrate any rated person for incompetency.

Execution of sentence of summary court.

ART. 32. No sentence of a summary court-martial shall be carried into execution until the proceedings and sentence have been approved by the officer ordering the court and by the commander-in-chief, or, in his absence, by the senior officer present. And no sentence of such court which involves loss of pay shall be carried into execution until the proceedings and sentence have been approved by the Secretary of the Navy.

Remission of sentence.

ART. 33. The officer ordering a summary court-martial shall have power to remit, in part or altogether, but not to commute, the sentence of the court. And it shall be his duty either to remit any part or the whole of any sentence, the execution of which would, in the opinion of the surgeon or senior medical officer on board, given in writing, produce serious injury to the health of the person sentenced; or to submit the case again, without delay, to the same or to another summary court-martial, which shall have power, upon the testimony already taken, to remit the former punishment and to assign some other of the authorized punishments in the place thereof.

Manner of conducting proceedings.

ART. 34. The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President; and all such proceedings shall be transmitted, in the usual mode, to the Navy Department.

Same punishments by general court-martial.

ART. 35. Any punishment which a summary court-martial is authorized to inflict may be inflicted by a general court-martial.

GENERAL COURTS-MARTIAL.

Art.
38. General courts-martial, by whom convened.
39. Constitution of.
40. Oaths of members and judge-advocate.
41. Oath of witness.
42. Contempts of court.
43. Charges.
44. Duty of officer arrested.
45. Suspension of proceedings.
46. Absence of members.
47. Witnesses examined in absence of a member.
48. Suspension of pay.
49. Flogging, branding, &c.
50. Sentences, how determined.
51. Adequate punishment; recommendation to mercy.
52. Authentication of judgment.
53. Confirmation of sentence.
54. Remission and mitigation of sentence.

Title 15, Chap. 10, Sec. 1624.

General courts-martial, by whom convened.

ART. 38. General courts-martial may be convened by the President, the Secretary of the Navy, or the commander-in-chief of a fleet or squadron; but no commander of a fleet or squadron in the waters of the United States shall convene such court without express authority from the President.

Constitution of.

ART. 39. A general court-martial shall consist of not more than thirteen nor less than five commissioned officers as members; and as many officers, not exceeding thirteen, as can be convened without injury to the service, shall be summoned on every such court. But in no case, where it can be avoided without injury to the service, shall more than one-half, exclusive of the president, be junior to the officer to be tried. The senior officer shall always preside and the others shall take place according to their rank.

Oaths of members and judge-advocate.

ART. 40. The president of the general court-martial shall administer the following oath or affirmation to the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; that I will not divulge or by any means disclose the sentence of the court until it shall

have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which shall be administered by the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will truly try without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the Navy, and my own conscience; that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

Oath of witness.

ART. 41. An oath or affirmation, in the following form, shall be administered to all witnesses, before any court-martial, by the president thereof:

"You do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the charges. So help you God; (or 'this you do under the pains and penalties of perjury.')"

Contempts of court.

ART. 42. Whenever any person refuses to give his evidence or to give it in the manner provided by these articles, or prevaricates, or behaves with contempt to the court, it shall be lawful for the court to imprison him for any time not exceeding two months.

Charges.

ART. 43. The person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; and no other charges than those so furnished shall be urged against him at the trial, unless it shall appear to the court that intelligence of such other charge had not reached the officer ordering the court when the accused was put under arrest, or that some witness material to the support of such charge was at that time absent and can be produced at the trial; in which case reasonable time shall be given to the accused to make his defense against such new charge.

Duty of officer arrested.

ART. 44. Every officer who is arrested for trial shall deliver up his sword to his commanding officer and confine himself to the limits assigned him, on pain of dismissal from the service.

Suspension of proceedings.

ART. 45. When the proceedings of any general court-martial have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more are assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence is given, unless temporarily adjourned by the authority which convened it.

Absence of members.

ART. 46. No member of a general court-martial shall, after the proceedings are begun, absent himself therefrom, except in case of sickness, or of an order to go on duty from a superior officer, on pain of being cashiered.

Witnesses examined in absence of a member.

ART. 47. Whenever any member of a court-martial, from any legal cause, is absent from the court after the commencement of a case, all the witnesses who have been examined during his absence must, when he is ready to resume his seat, be recalled by the court, and the recorded testimony of each witness so examined must be read over to him, and such witness must acknowledge the same to be correct and be subject to such further examination as the said member may require. Without a compliance with this rule, and an entry thereof upon the record, a member who shall have been absent during the examination of a witness shall not be allowed to sit again in that particular case.

Suspension of pay.

ART. 48. Whenever a court-martial sentences an officer to be suspended, it may suspend his pay and emoluments for the whole or any part of the time of his suspension.

Flogging, branding, &c.

ART. 49. In no case shall punishment by flogging, or by branding, marking, or tattooing on the body be adjudged by any court-martial or be inflicted upon any person in the Navy.

Sentences, how determined.

ART. 50. No person shall be sentenced by a court-martial to suffer death, except by the concurrence of two-thirds of the members present, and in the cases where such punishment is expressly provided in these articles. All other sentences may be determined by a majority of votes.

Adequate punishment; recommendation to mercy.

ART. 51. It shall be the duty of a court-martial, in all cases of conviction, to adjudge a punishment adequate to the nature of the offense; but the members thereof may recommend the person convicted as deserving of clemency, and state, on the record, their reasons for so doing. [See Art. 35, SUMMARY COURTS-MARTIAL.]

Authentication of judgment.

ART. 52. The judgment of every court-martial shall be authenticated by the signature of the president, and of every member who may be present when said judgment is pronounced, and also of the judge-advocate.

Confirmation of sentence.

ART. 53. No sentence of a court-martial, extending to the loss of life, or to the dismissal of a commissioned or warrant officer, shall be carried into execution until confirmed by the President. All other sentences of a general court-martial may be carried into execution on confirmation of the commander of the fleet or officer ordering the court.

Remission and mitigation of sentence.

ART. 54. Every officer who is authorized to convene a general court-martial shall have power, on revision of its proceedings, to remit or mitigate, but not to commute, the sentence of any such court which he is authorized to approve or confirm.

COURTS OF INQUIRY.

Art.
55. Courts of inquiry, by whom ordered.
56. Constitution of.
57. Powers of.
58. Oath of members and judge-advocate.
59. Rights of party inquired of.
60. Proceedings, how authenticated and used as evidence.

Title 15, Chap. 10, Sec. 1624.

Courts of inquiry, by whom ordered.

ART. 55. Courts of inquiry may be ordered by the President, the Secretary of the Navy, or the commander of a fleet or squadron.

Constitution of.

ART. 56. A court of inquiry shall consist of not more than three commissioned officers as members, and of a judge-advocate, or person officiating as such.

Powers of.

ART. 57. Courts of inquiry shall have power to summon witnesses, administer oaths, and punish contempts, in the same manner as courts-martial; but they shall only state facts, and shall not give their opinion unless expressly required so to do in the order for convening.

Oath of members and judge-advocate.

ART. 58. The judge-advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "You do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality." After which the president shall administer to the judge-advocate, or person officiating as such, the following oath or affirmation: "You do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing."

Rights of party inquired of.

ART. 59. The party whose conduct shall be the subject of inquiry, or his attorney, shall have the right to cross-examine all the witnesses.

Proceedings, how authenticated and used as evidence.

ART. 60. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and of the judge-advocate, and shall, in all cases not capital, nor extending to the dismissal of a commissioned or warrant officer, be evidence before a court-martial, provided oral testimony cannot be obtained.

CRIMES.

See under various subjects to which they pertain.

CURRENCY.

Sec.
3571. United States notes.
3573. No issue less than ten cents.
3574. Form and redemption of fractional notes.
3575. Preparation of fractional and other notes.
3576. Portraits of living persons not to be placed on bonds or notes.
3580. Replacing mutilated notes.
3581. Destruction of notes.
3583. Restriction on notes less than one dollar.

Title 31.

United States notes.

SEC. 3571. United States notes shall be of such denominations, not less than one dollar, as the Secretary of the Treasury may prescribe, shall not bear interest, shall be payable to bearer, and shall be in such form as the Secretary may deem best.

No issue less than ten cents.

SEC. 3573. No issue of fractional notes of the United States shall be of a less denomination than ten cents; and all issues of a less denomi-

nation shall, when paid into the Treasury or any designated depository of the United States, or redeemed or exchanged as now provided by law, be retained and canceled.

Form and redemption of fractional notes.

SEC. 3574. The notes of the fractional currency shall be in such form, with such inscriptions, and with such safeguards against counterfeiting as the Secretary of the Treasury may deem best. They shall be exchangeable by the assistant treasurers and designated depositaries for United States notes in sums of not less than three dollars; and shall be receivable for postage and revenue stamps, and for all dues to the United States, except customs, in sums not over five dollars, and shall be redeemed on presentation at the Treasury of the United States in such sums and under such regulations as the Secretary of the Treasury shall prescribe.

Preparation of notes.

SEC. 3575. The Secretary of the Treasury may provide for the engraving and preparation, and for the issue of fractional and other notes, and shall make such regulations for the redemption of such notes when mutilated or defaced, and for the receipt of fractional notes in payment of debts to the United States, except for customs, in such sums, not over five dollars, as may appear to him expedient.

Portraits of living persons not to be placed on bonds or notes.

SEC. 3576. No portrait shall be placed upon any of the bonds, securities, notes, fractional or postal currency of the United States, while the original of such portrait is living.

Replacing mutilated notes.

SEC. 3580. When any United States notes returned to the Treasury are so mutilated or otherwise injured as to be unfit for use, the Secretary of the Treasury is authorized to replace the same with others of the same character and amounts.

Destruction of notes.

SEC. 3581. Mutilated United States notes, when replaced according to law, and all other notes which by law are required to be taken up, and not re-issued, when taken up, shall be destroyed in such manner and under such regulations as the Secretary of the Treasury may prescribe.

Restriction on notes less than one dollar.

SEC. 3583. No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than one dollar, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, at the discretion of the court.

DEPARTMENTS—EXECUTIVE.

See also each Department following and under VACANCIES.

Sec.
161. Departmental regulations.
162. Hours of business.
163. Classification of Department clerks.
164. Examinations.
165. Clerkships open to women.
166. Distribution of clerks.
167. Salaries of persons employed in the Departments.
168. Temporary clerks.
169. Authority to employ clerks and other employés.
170. Extra compensation to clerks prohibited.
171. Restriction on employing extra clerks.
172. Restriction on employment of subordinate assistants.
173. Chief clerks to supervise subordinate clerks.
174. Chief clerks to distribute duties, &c.
175. Duty of chief on receipt of report.
176. Disbursing clerks.
194. Report of clerks employed.
195. Time of making annual reports.
196. Time of furnishing reports to printer.
198. Biennial list of employés.
5403. Destroying public records.
5408. Destroying records by officer in charge.
——. Hours of labor in Department.

Departmental regulations.

SEC. 161. The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

Hours of business.

SEC. 162. From the first day of October until the first day of April, in each year, all the Bureaus and offices in the State, War, Treasury, Navy, and Post-Office Departments, and in the General Land-Office, shall be open for the transaction of the public business at least eight hours in each day; and from the first day of April until the first day of October, in each year, at least ten hours in each day; except Sundays and days declared public holidays by law. [See June 20, 1874, *post.*]

Classification of Department clerks.

SEC. 163. The clerks in the Departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes.

Examinations.

SEC. 164. No clerk shall be appointed in any Department in either of

the four classes above designated, until he has been examined and found qualified by a board of three examiners, to consist of the chief of the Bureau or office into which such clerk is to be appointed and two other clerks to be selected by the head of the Department. [See CIVIL SERVICE.]

Clerkships open to women.

SEC. 165. Women may, in the discretion of the head of any Department, be appointed to any of the clerkships therein, authorized by law, upon the same requisites and conditions, and with the same compensations, as are prescribed for men.

Distribution of clerks.

SEC. 166. Each head of a Department may from time to time alter the distribution among the various Bureaus and offices of his Department, of the clerks allowed by law, as he may find it necessary and proper to do.

Salaries of persons employed in the Departments.

SEC. 167. The annual salaries of clerks and employés in the Departments, whose compensation is not otherwise prescribed, shall be as follows:

First. To clerks of the fourth class, eighteen hundred dollars.

Second. To clerks of the third class, sixteen hundred dollars.

Third. To clerks of the second class, fourteen hundred dollars.

Fourth. To clerks of the first class, twelve hundred dollars.

Fifth. To the women employed in duties of a clerical character, subordinate to those assigned to clerks of the first class, including copyists and counters, or temporarily employed to perform the duties of a clerk, nine hundred dollars.

Sixth. To messengers, eight hundred and forty dollars.

Seventh. To assistant messengers, seven hundred and twenty dollars.

Eighth. To laborers, seven hundred and twenty dollars.

Ninth. To watchmen, seven hundred and twenty dollars.

Temporary clerks.

SEC. 168. Except when a different compensation is expressly prescribed by law, any clerk temporarily employed to perform the same or similar duties with those belonging to clerks of either class, is entitled to the same salary as is allowed to clerks of that class. [See § 242.*]

Authority to employ clerks and other employés.

SEC. 169. Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Extra compensation to clerks prohibited.

SEC. 170. No money shall be paid to any clerk employed in either Department at an annual salary, as compensation for extra services, unless expressly authorized by law. [See EXTRA PAY, &c.]

Restriction on employing extra clerks.

SEC. 171. No extra clerk shall be employed in any Department, Bureau, or office, at the seat of Government, except during the session of Congress, or when indispensably necessary in answering some call made by either House of Congress at one session to be answered at another; nor then, except by order of the head of the Department in which, or in some Bureau or office of which, such extra clerk shall be employed. And no extra clerk employed in either of the Departments shall receive compensation except for time actually and necessarily employed, nor any greater compensation than three dollars a day for copying, or four dollars a day for any other service.

Restriction on employment of subordinate assistants.

SEC. 172. No messenger, assistant messenger, laborer, nor other subordinate assistant shall be employed in any Department, Bureau, or office at the seat of Government, or paid out of the contingent fund appropriated to such Department, Bureau, or office, unless such employment is authorized by law, or is necessary to carry into effect some object for which an appropriation has been specifically made.

Chief clerks to supervise subordinate clerks.

SEC. 173. Each chief clerk in the several Departments, and Bureaus, and other offices connected with the Departments, shall supervise, under the direction of his immediate superior, the duties of the other clerks therein, and see that they are faithfully performed.

Chief clerks to distribute duties, &c.

SEC. 174. Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uniformity, according to the nature of the case. He shall revise such distribution from time to time, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business. And he shall report monthly to his superior officer

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*Sec. 242, R. S., provides that no clerk temporarily employed in the Department of the Treasury shall receive a greater compensation than at the rate of twelve hundred dollars a year for the time actually employed.

any existing defect that he may be aware of in the arrangement or dispatch of business.

Duty of chief on receipt of report.

SEC. 175. Each head of a Department, chief of a Bureau, or other superior officer, shall, upon receiving each monthly report of his chief clerk, rendered pursuant to the preceding section, examine the facts stated therein, and take such measures, in the exercise of the powers conferred upon him by law, as may be necessary and proper to amend any existing defects in the arrangement or dispatch of business disclosed by such report.

Disbursing clerks.

SEC. 176. The disbursing clerks authorized by law in the several Departments shall be appointed by the heads of the respective Departments, from clerks of the fourth class; and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the Solicitor of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct. Each disbursing clerk, except the disbursing clerk of the Treasury Department, must, when directed so to do by the head of the Department, superintend the building occupied by his Department. Each disbursing clerk is entitled to receive, in compensation for his services in disbursing, such sum in addition to his salary as a clerk of the fourth class as shall make his whole annual compensation two thousand dollars a year.

Report of clerks employed.

SEC. 194. The head of each Department shall make an annual report to Congress of the names of the clerks and other persons that have been employed in his Department and the offices thereof; stating the time that each clerk or other person was actually employed, and the sums paid to each; also, whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better dispatch of business.

Time of making annual reports.

SEC. 195. Except where a different time is expressly prescribed by law, the various annual reports required to be submitted to Congress by the heads of Departments shall be made at the commencement of each regular session, and shall embrace the transactions of the preceding year.

Department reports, when to be furnished to printer.

SEC. 196. The head of each Department, except the Department of Justice, shall furnish to the Congressional Printer copies of the documents usually accompanying his annual report, on or before the first day of November in each year, and a copy of his annual report on or before the third Monday of November in each year.

Biennial lists of employés to be filed in Interior Department.

SEC. 198. The head of each Department shall, as soon as practicable after the last day in September in each year in which a new Congress is to assemble, cause to be filed in the Department of the Interior a full and complete list of all officers, agents, clerks, and employés employed in his Department, or in any of the offices or Bureaus connected therewith. He shall include in such list all the statistics peculiar to his Department required to enable the Secretary of the Interior to prepare the Biennial Register. [See under BIENNIAL REGISTER.]

Title 70, Chap. 4.

Destroying, &c. public records.

SEC. 5403. Every person who willfully destroys or attempts to destroy, or, with intent to steal or destroy, takes and carries away any record, paper, or proceeding of a court of justice, filed or deposited with any clerk or officer of such court, or any paper, or document, or record filed or deposited in any public office, or with any judicial or public officer, shall, without reference to the value of the record, paper, document, or proceeding so taken, pay a fine of not more than two thousand dollars, or suffer imprisonment, at hard labor, not more than three years, or both. [See § 5408.]

Destroying records by officer in charge.

SEC. 5408. Every officer, having the custody of any record, document, paper, or proceeding specified in section fifty-four hundred and three, who fraudulently takes away, or withdraws, or destroys any such record, document, paper, or proceeding filed in his office or deposited with him or in his custody, shall pay a fine of not more than two thousand dollars, or suffer imprisonment at hard labor not more than three years, or both; and shall, moreover, forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States.

June 20, 1874.

Heads of Executive Departments and Bureaus to regulate hours of labor of clerks, &c.

That it shall be the duty of the heads of the several Executive Departments, and of the heads of the respective Bureaus therein, in the interests of the public service, to require of all clerks of class one and above, and of chiefs of divisions, such hours of labor as may be deemed necessary for the proper dispatch of the public business, not exceeding, however, the time for which said Departments are by law required to be open for business, any usage to the contrary notwithstanding. [See § 162.]

NOTE.—A joint resolution of June 23, 1874, authorized two months' pay to clerks and employés discharged at the close of the fiscal year, without fault on their part, but by reason of the reductions made necessary by legislation of Congress at that session; and the act of March 3, 1875, authorized one month's pay to such persons discharged for similar reasons at the close of the fiscal year, provided that the amount paid should be deducted from the salary of any person receiving the same who should be re-appointed within six months of the date of such discharge.

DEPARTMENT OF AGRICULTURE.

Sec.
520. Establishment of the Department of Agriculture.
521. Commissioner of Agriculture.
523. Officers and employés.
525. Custody of property, records, &c.
526. Duties of Commissioner.
527. Purchase and distribution of seeds, plants, &c.

Title 12.

SEC. 520. There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Commissioner of Agriculture.

SEC. 521. The Department of Agriculture shall be under the charge of a Commissioner of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.*

Officers and employés.

SEC. 523. The Commissioner of Agriculture shall appoint a chief clerk, with a salary of two thousand dollars a year, who in all cases during the necessary absence of the Commissioner, or when the office of Commissioner shall become vacant, shall perform the duties of Commissioner, and he shall appoint such other employés as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other Departments of the Government; and he shall, as Congress may from time to time provide, employ other persons, for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

Custody of property, records, &c.

SEC. 525. The Commissioner of Agriculture shall have charge, in the building and premises appropriated to the Department, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter acquired for use in its business.

Duties of Commissioner.

SEC. 526. The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his Office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

Purchase and distribution of seeds, plants, &c.

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings, shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

* Now three thousand dollars.

DEPARTMENT OF THE INTERIOR.

Sec.
437. Establishment of Department of the Interior.
438. Assistant Secretary of the Interior.
439. His duties.
441. Duties of Secretary.
442. Powers of Secretary.
443. Supervision of census.

Title 11, Chap. [1.]

Establishment of Department of the Interior.

SEC. 437. There shall be at the seat of Government an Executive Department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof. [Salary eight thousand dollars per annum.]

Assistant Secretary of the Interior.

SEC. 438. There shall be in the Department of the Interior an Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars* a year, to be paid monthly.

His duties.

SEC. 439. The Assistant Secretary of the Interior shall perform such duties in the Department of the Interior as shall be prescribed by the Secretary, or may be required by law.

Title 11, Chap. 2.

Duties of Secretary.

SEC. 441. The Secretary of the Interior is charged with the supervision of public business relating to the following subjects:

First. The census; when directed by law.
Second. The public lands, including mines.
Third. The Indians.
Fourth. Pensions and bounty-lands.
Fifth. Patents for inventions.
Sixth. The custody and distribution of publications.
Seventh. Education.
Eighth. Government Hospital for the Insane.
Ninth. Columbia Asylum for the Deaf and Dumb.

Powers of Secretary.

SEC. 442. The Secretary of the Interior shall hereafter exercise all the powers and perform all the duties in relation to the Territories of the United States that were, prior to March 1st, eighteen hundred and seventy-three, by law or by custom exercised and performed by the Secretary of State.

Supervision of census.

SEC. 443. The Secretary of the Interior shall exercise supervisory and appellate powers in relation to all acts of marshals and others in taking and returning the census of the United States.

DEPARTMENT OF JUSTICE.

Sec.
346. Establishment of Department of Justice.
347. Solicitor-General.
348. Assistant Attorneys-General.
349. Solicitor of Treasury, &c., in Department of Justice.
350. What officers under control of Attorney-General.
354. Duties of Attorney-General.
356. Opinion of Attorney-General upon questions of law.
357. Legal advice to Departments of War and Navy.
358. Reference of questions by Attorney-General to subordinates.
359. Conduct and argument of cases.
360. Duties of officers of Department of Justice.
361. Officers of, to perform services for other Departments.
362. Superintendence of district attorneys and marshals.
363. Retaining counsel to aid district attorneys.
364. Attendance of counsel.
365. Counsel fees restricted.
366. Appointment of special counsel.
367. Detail of officers to attend suits.
370. Traveling expenses of officers so detailed.
383. Publication of opinions.
—. Actions against members of Congress, defense of.

Title 8.

Establishment of Department of Justice.

SEC. 346. There shall be at the seat of Government an Executive Department to be known as the Department of Justice, and an Attorney-General, who shall be the head thereof. [Salary eight thousand dollars.]

Solicitor-General.

SEC. 347. There shall be in the Department of Justice an officer, learned in the law, to assist the Attorney-General in the performance of his duties, called the Solicitor-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of seven thousand five hundred dollars a year. In case of a vacancy in the office of Attorney-General, or of his absence or disability, the Solicitor-General shall have power to exercise all the duties of that office.

Assistant Attorneys-General.

SEC. 348. There shall be in the Department of Justice three officers, learned in the law, called the Assistant Attorneys-General, who shall be appointed by the President, by and with the advice and consent of the

* Now three thousand five hundred dollars.

Senate, and shall assist the Attorney-General and Solicitor-General in the performance of their duties. Each of them is entitled to a salary of five thousand dollars a year.*

Solicitor of Treasury, &c., in Department of Justice.

SEC. 349. There shall be in the Department of Justice a Solicitor of the Treasury, an Assistant Solicitor of the Treasury, a Solicitor of Internal Revenue, a Naval Solicitor, and an Examiner of Claims for the Department of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to the following salaries: The Solicitor of the Treasury to four thousand† dollars a year, the Assistant Solicitor of the Treasury to three thousand dollars a year, the Solicitor of Internal Revenue to five thousand dollars a year, the Naval Solicitor to three thousand five hundred dollars a year, and the Examiner of Claims for the Department of State four‡ thousand dollars a year.

What officers under control of Attorney-General.

SEC. 350. The officers named in the preceding section shall exercise their functions under the supervision and control of the head of the Department of Justice.

Duties of Attorney-General.

SEC. 354. The Attorney-General shall give his advice and opinion upon questions [of] law, whenever required by the President.

Opinion of Attorney-General upon questions of law.

SEC. 356. The head of any Executive Department may require the opinion of the Attorney-General on any questions of law arising in the administration of his Department.

Legal advice to Departments of War and Navy.

SEC. 357. Whenever a question of law arises in the administration of the Department of War or the Department of the Navy, the cognizance of which is not given by statute to some other officer from whom the head of the Department may require advice, it shall be sent to the Attorney-General, to be by him referred to the proper officer in his Department, or otherwise disposed of as he may deem proper.

Reference of questions by Attorney-General to subordinates.

SEC. 358. Any question of law submitted to the Attorney-General for his opinion, except questions involving a construction of the Constitution of the United States, may be by him referred to such of his subordinates as he may deem appropriate, and he may require the written opinion thereon of the officer to whom the same may be referred. If the opinion given by such officer is approved by the Attorney-General, such approval indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney-General.

Conduct and argument of cases.

SEC. 359. Except when the Attorney-General in particular cases otherwise directs, the Attorney-General and Solicitor-General shall conduct and argue suits and writs of error and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested, and the Attorney-General may, whenever he deems it for the interest of the United States, either in person conduct and argue any case in any court of the United States in which the United States is interested, or may direct the Solicitor-General or any officer of the Department of Justice to do so.

Performance of duty by officers of Department of Justice.

SEC. 360. The Attorney-General may require any solicitor or officer of the Department of Justice to perform any duty required of the Department or any officer thereof.

Officers of the Department to perform all legal services required for other Departments.

SEC. 361. The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of Bureaus and other officers in the Departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section three hundred and sixty-three. [See § 189, ATTORNEYS.]

Superintendence of district attorneys and marshals.

SEC. 362. The Attorney-General shall exercise general superintendence and direction over the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the several district attorneys and marshals are required to report to the Attorney-General an account of their official

* There is also an Assistant Attorney-General of the Post-Office Department, at four thousand dollars.

† Four thousand five hundred dollars. Appropriation act, June 20, 1874.

‡ Three thousand five hundred dollars to "Naval Solicitor and Judge Advocate General and Examiner of Claims." Appropriation act, June 20, 1874.

proceedings, and of the state and condition of their respective offices, in such time and manner as the Attorney-General may direct.

Retaining counsel to aid district attorneys.

SEC. 363. The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings.

Attendance of counsel.

SEC. 364. Whenever the head of a Department or Bureau gives the Attorney-General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such Department or Bureau, the Attorney-General shall provide for such service. [See § 187, CLAIMS.]

Counsel fees restricted.

SEC. 365. No compensation shall hereafter be allowed to any person, besides the respective district attorneys and assistant district attorneys for services as an attorney or counselor to the United States, or to any branch or Department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the Attorney-General that such services were actually rendered, and that the same could not be performed by the Attorney-General, or Solicitor-General, or the officers of the Department of Justice, or by the district attorneys.

Appointment and oath of special attorneys or counsel.

SEC. 366. Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, as a special assistant to the Attorney-General, or to some one of the district attorneys, as the nature of the appointment may require; and shall take the oath required by law to be taken by the district attorneys, and shall be subject to all the liabilities imposed upon them by law.

Interest of United States in pending suits, who may attend to.

SEC. 367. The Solicitor-General, or any officer of the Department of Justice, may be sent by the Attorney-General to any State or District in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State, or to attend to any other interest of the United States.

Traveling expenses of officers of the Department.

SEC. 370. Whenever the Solicitor-General, or any officer of the Department of Justice, is sent by the Attorney-General to any State, District, or Territory, to attend to any interest of the United States, the person so sent shall receive, in addition to his salary, his actual and necessary expenses while absent from the seat of Government; the account thereof to be verified by affidavit.

Publication of opinions.

SEC. 383. The Attorney-General shall from time to time cause to be edited, and printed at the Government Printing-Office, an edition of one thousand copies of such of the opinions of the law-officers herein authorized to be given as he may deem valuable for preservation in volumes, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume eight of such opinions, published, by Robert Farnham, in the year eighteen hundred and sixty-eight. Each volume shall contain proper head-notes, a complete and full index, and such foot-notes as the Attorney-General may approve. Such volumes shall be distributed in such manner as the Attorney-General may from time to time prescribe.

Act making appropriations for sundry civil expenses.

March 3, 1875.

Actions against officers of Congress.

SEC. 8. That in any action now pending, or which may be brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty, in executing any order of such House, the district attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section of the act of July twenty-eighth, eighteen hundred and sixty-six, entitled "An act to protect the revenue, and for other purposes," and also all provisions of the sections of former acts therein referred to, so far as the same relate to the removal of suits, the withholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney-General.

Provisions applicable of 1866. C. 298, s. 8, v. 14, p. 328.

Approved, March 3, 1875.

DEPARTMENT OF THE NAVY.

See also DEPARTMENTS—EXECUTIVE.

Sec.
415. Establishment of the Department of the Navy.
416. Clerks and employés.
417. Procurement of naval stores and equipment of vessels.
418. Custody of the books and records.
419. Establishment of Bureaus.
420. Custody of books and records of Bureaus.
421. Appointment of chiefs of Bureaus
422. Chiefs of Bureaus of Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance.
423. Chief of Bureau of Construction and Repair.
424. Chief of Bureau of Steam Engineering.
425. Chief of Bureau of Provisions and Clothing.
426. Chief of Bureau of Medicine and Surgery.
429. Reports to be made to Congress by the Secretary.
1375. Assistant to Bureau.
1436. Chiefs of Bureaus, staff-officers exempt from sea-duty.
1471. Title of chiefs of Bureaus.
1472. Relative rank of chief of Bureau of lower title than commodore.
1473. Retired chiefs of Bureaus.
1565. Pay of chiefs of Bureaus.

Title 10.

Establishment of the Department of the Navy.

SEC. 415. There shall be at the seat of Government an Executive Department, to be known as the Department of the Navy, and a Secretary of the Navy, who shall be the head thereof.*

SEC. 416. There shall be in the Department of the Navy:

One chief clerk, at a salary of two thousand five hundred dollars a year, so long as there is no Assistant Secretary of the Navy, and at a salary of two thousand two hundred dollars a year when there is an Assistant Secretary of the Navy.

One disbursing clerk.

One superintendent of the Navy Department building, at a salary of two hundred and fifty dollars a year.

In the Bureau of Yards and Docks:

One civil engineer, at a salary of three thousand dollars a year.

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Equipment and Recruiting;

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Construction and Repair:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Steam Engineering:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

One assistant draughtsman, at a salary of one thousand two hundred dollars a year.

In the Bureau of Navigation:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Ordnance:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Provisions and Clothing:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Medicine and Surgery:

One chief clerk, at a salary of one thousand eight hundred dollars a year. [See §§ 169, 173, 174, 176, under DEPARTMENTS.]

Procurement of naval stores and equipment of vessels.

SEC. 417. The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment. [See Title CONTRACTS. Also §§ 3660–3667, 3669, APPROPRIATIONS.]

* Salary eight thousand dollars a year..

Custody of the books and records.

SEC. 418. The Secretary of the Navy shall have the custody and charge of all the books, records, and other property now remaining in and appertaining to the Department of the Navy, or hereafter acquired by it.

Establishment of Bureaus.

SEC. 419. The business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following Bureaus:

First. A Bureau of Yards and Docks.
Second. A Bureau of Equipment and Recruiting.
Third. A Bureau of Navigation.
Fourth. A Bureau of Ordnance.
Fifth. A Bureau of Construction and Repair.
Sixth. A Bureau of Steam Engineering.
Seventh. A Bureau of Provisions and Clothing.
Eighth. A Bureau of Medicine and Surgery.

Custody of books and records of Bureaus.

SEC. 420. The several Bureaus shall retain the charge and custody of the books of records and accounts pertaining to their respective duties; and all of the duties of the Bureaus shall be performed under the authority of the Secretary of the Navy, and their orders shall be considered as emanating from him, and shall have full force and effect as such.

Appointment of chiefs of Bureaus.

SEC. 421. The chiefs of the several Bureaus in the Department of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, from the classes of officers mentioned in the next five sections respectively, or from officers having the relative rank of captain in the staff corps of the Navy, on the active list, and shall hold their offices for the term of four years.

Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance.

SEC. 422. The chiefs of the Bureau of Yards and Docks, of the Bureau of Equipment and Recruiting, of the Bureau of Navigation, and of the Bureau of Ordnance, shall be appointed from the list of officers of the Navy, not below the grade of commander.

Construction and Repair.

SEC. 423. The chief of the Bureau of Construction and Repair shall be appointed from the list of officers of the Navy, not below the grade of commander, and shall be a skillful naval constructor.

Steam Engineering.

SEC. 424. The chief of the Bureau of Steam Engineering shall be appointed from the chief engineers of the Navy, and shall be a skillful engineer.

Provisions and Clothing.

SEC. 425. The chief of the Bureau of Provisions and Clothing shall be appointed from the list of paymasters of the Navy of not less than ten years' standing.

Medicine and Surgery.

SEC. 426. The chief of the Bureau of Medicine and Surgery shall be appointed from the list of the surgeons of the Navy.

Reports to Congress by Secretary of the Navy.

SEC. 429. The Secretary of the Navy shall make annual reports to Congress upon the following subjects: [See §§ 195, 196, DEPARTMENTS.]

First. A statement of the appropriations of the preceding fiscal year for the Department of the Navy, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such report shall be accompanied by estimates of the probable demands which may remain on each appropriation.

Second. A statement of all offers for contracts for supplies and services made during the preceding year, by classes, indicating such as have been accepted.

Third. A statement showing the amounts expended during the preceding fiscal year for wages of mechanics and laborers employed in building, repairing, or equipping vessels of the Navy, or in receiving and securing stores and materials for those purposes, and for the purchase of material and stores for the same purpose; and showing the cost or estimated value of the stores on hand, under this appropriation, in the navy-yards, at the commencement of the next preceding fiscal year; and the cost or estimated value of articles received and expended during the year; and the cost or estimated value of the articles belonging to this appropriation which may be on hand in the navy-yards at the close of the next preceding fiscal year.

Fourth. A statement of all acts done by him in making sale of any vessel or materials of the Navy; specifying all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts. [See § 1780, CONTINGENT FUND.]

Title 15, Chap. 1.

Assistant to Bureau of Medicine and Surgery.

SEC. 1375. A surgeon, assistant surgeon, or passed assistant surgeon may be detailed as assistant to the Bureau of Medicine and Surgery.

Title 15, Chap. 2.

Staff officers who have been chiefs of Bureaus.

SEC. 1436. Any staff officer of the Navy who has performed the duty of a chief of a Bureau of the Navy Department for a full term shall thereafter be exempt from sea duty, except in time of war.

Title 15, Chap. 4.

Titles of chiefs of Bureaus.

SEC. 1471. The chiefs of the Bureau of Medicine and Surgery, Provisions and Clothing, Steam Engineering, and Construction and Repair shall have the relative rank of commodore while holding said position, and shall have, respectively, the title of Surgeon-General, Paymaster-General, Engineer-in-Chief, and Chief Constructor.

Chief of Bureau, when below rank of commodore.

SEC. 1472. When the office of chief of Bureau is filled by a line officer below the rank of commodore, said officer shall have the relative rank of commodore during the time he holds said office.

Retired from position of chief of Bureau.

SEC. 1473. Officers who have been or who shall be retired from the positions of chiefs of the Bureau of Medicine and Surgery, of Provisions and Clothing, of Steam Engineering, or of Construction and Repair, by reason of age or length of service, shall have the relative rank of commodore.

Title 15, Chap. 8.

Pay of chiefs of Bureau.

SEC. 1565. The pay of chiefs of Bureau in the Navy Department shall be the highest pay of the grade to which they belong, but not below that of commodore.

DEPARTMENT OF THE POST-OFFICE.

Sec.
388. Establishment of the Post-Office Department.
389. Assistant Postmasters-General.
390. Assistant Attorney-General for Post-Office Department.
396. Duties of Postmaster-General.
398. Postal arrangements with foreign countries.
399. Publication of postal conventions.

Title 9.

Establishment of the Post-Office Department.

SEC. 388. There shall be at the seat of Government an Executive Department to be known as the Post-Office Department, and a Postmaster-General, who shall be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster-General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed.*

Assistant Postmasters-General.

SEC. 389. There shall be in the Post-Office Department three Assistant Postmasters-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner, and who shall be entitled to a salary of four thousand dollars a year each.† [See § 177, VACANCIES.]

Assistant Attorney-General for Post-Office Department.

SEC. 390. There shall be employed in the Post-Office Department one Assistant Attorney-General, who shall be appointed by the Postmaster-General, and shall be entitled to a salary of four thousand dollars a year.

Duties of Postmaster-General.

SEC. 396. It shall be the duty of the Postmaster-General:

First. To establish and discontinue post-offices.

Second. To instruct all persons in the postal service with reference to their duties.

Third. To decide on the forms of all official papers.

Fourth. To prescribe the manner of keeping and stating accounts.

Fifth. To enforce the prompt rendition of returns relative to accounts.

Sixth. To control, according to law, and subject to the settlement of the Sixth Auditor, all expenses incident to the service of the Department.

Seventh. To superintend the disposal of the moneys of the Department.

Eighth. To direct the manner in which balances shall be paid over; issue warrants to cover money into the Treasury; and to pay out the same.

Ninth. To superintend generally the business of the Department, and execute all laws relative to the postal service. [See §§ 3660-3665, 3668, 3669, APPROPRIATIONS AND ESTIMATES.]

* Salary eight thousand dollars.
† Now three thousand five hundred dollars.

SEC. 398. For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster-General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage on mail-matter conveyed between the United States and foreign countries. Postal arrangements with foreign countries.

SEC. 399. The Postmaster-General shall transmit a copy of each postal convention concluded with foreign governments to the Secretary of State, who shall furnish a copy of the same to the Congressional Printer for publication; and the printed proof-sheets of all such conventions shall be revised at the Post-Office Department. Publication of postal conventions.

DEPARTMENT OF STATE.

Sec.
199. Establishment of the Department of State.
200. Assistant and Second Assistant Secretaries of State.
202. Management of foreign affairs.
203. Custody of seals and property.
204. Promulgation of the laws.
205. Amendments to the Constitution.
213. Fees for copies of records.

Title 5.

SEC. 199. There shall be at the seat of Government an Executive Department to be known as the Department of State, and a Secretary of State, who shall be the head thereof. [Salary, eight thousand dollars.] Establishment of the Department of State.

SEC. 200. There shall be in the Department of State an Assistant Secretary of State, and a Second Assistant Secretary of State,* each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year, to be paid monthly. [§ 177, VACANCIES IN DEPARTMENTS.] Assistant and Second Assistant Secretaries of State.

SEC. 202. The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the Department, and he shall conduct the business of the Department in such manner as the President shall direct. Management of foreign affairs.

SEC. 203. The Secretary of State shall have the custody and charge of the seal of the United States and of the seal of the Department of State, and of all the books, records, papers, furniture, fixtures, and other property now remaining in and appertaining to the Department, or hereafter acquired for it. [See FLAG AND SEAL.] Custody of seals and property.

SEC. 204.† That section number two hundred and four of the Revised Statutes of the United States shall hereafter read as follows: Whenever a bill, order, resolution or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives, in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals. Promulgation of the laws.

SEC. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States. Amendments to Constitution.

SEC. 213. For making out and authenticating copies of records in the Department of State, a fee of ten cents for each sheet containing one hundred words shall be paid by the person requesting such copies, except where they are requested by an officer of the United States in a matter relating to his office. Fees for copies of records.

*There is also a Third Assistant, authorized June 20, 1874. The salaries of the assistants are now three thousand five hundred dollars.

†As amended by act of December 28, 1874.

DEPARTMENT OF THE TREASURY.

See also TREASURER.

Sec.
233. Establishment of the Department of the Treasury.
234. Assistant Secretaries.
243. Restrictions upon officers of the Department.
244. Restrictions upon clerks of the Department.
245. Duties of Assistant Secretaries.
246. Signing warrants.
247. Effect of warrants.
248. General duties of the Secretary.

Title 7, Chap. 1.

Establishment of the Department of the Treasury.

SEC. 233. There shall be at the seat of Government an Executive Department to be known as the Department of the Treasury, and a Secretary of the Treasury, who shall be the head thereof.*

SEC. 234. There shall be in the Department of the Treasury two Assistant Secretaries of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall each be entitled to a salary of six† thousand dollars a year, to be paid monthly.

Restrictions upon officers of the Department.

SEC. 243. No person appointed to the office of Secretary of the Treasury, or First Comptroller, or First Auditor, or Treasurer, or Register, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea-vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and forever thereafter be incapable of holding any office under the United States; and if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.

Restrictions upon clerks in the Department.

SEC. 244. Every clerk employed in the Treasury Department who carries on any trade or business in the funds or debts of the United States, or of any State, or in any kind of public property, or who takes or applies to his own use any emolument or gain for negotiating or transacting any business in the Department, shall be deemed guilty of a misdemeanor, and punished by a fine of five hundred dollars and removed from office.

Title 7, Chap. 2.

Duties of Assistant Secretaries.

SEC. 245. The Assistant Secretaries of the Treasury shall examine letters, contracts, and warrants prepared for the signature of the Secretary of the Treasury, and perform such other duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law. [See § 177, under VACANCIES IN THE DEPARTMENTS.]

Signing warrants.

SEC. 246. The Secretary of the Treasury may, by an appointment under his hand and official seal, delegate to one of the Assistant Secretaries of the Treasury authority to sign in his stead all warrants for the payment of money into the public Treasury, and all warrants for the disbursement from the public Treasury, of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them.

Effect of warrants.

SEC. 247. Warrants signed by either of the Assistant Secretaries, as authorized by the preceding section, shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself.

General duties of the Secretary.

SEC. 248. The Secretary of the Treasury shall, from time to time, digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; shall superintend the collection of the revenue; shall, from time to time, prescribe the forms of keeping and rendering all public accounts and making returns; shall grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law; shall make report, and give information

* Salary, eight thousand dollars, act of March 3, 1875.
† Salary, four thousand five hundred dollars, act of March 3, 1875.

to either branch of the legislature in person or in writing, as may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally shall perform all such services relative to the finances as he shall be directed to perform.

DEPARTMENT OF WAR.

Sec.
214. Establishment of the Department of War.
216. Management of military affairs.
221. Meteorological observations, storm-signals.
222. Signal-stations, reports, &c.
223. Telegraph-lines connecting signal-stations.
231. Report of examinations of river and harbor improvements.
— Chief clerk may sign requisitions, &c.

Title 6.

Establishment of the Department of War.

SEC. 214. There shall be at the seat of Government an Executive Department to be known as the Department of War, and a Secretary of War, who shall be the head thereof.*

Management of military affairs.

SEC. 216. The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the Department in such manner as the President shall direct.

Meteorological observations, storm-signals.

SEC. 221. The Secretary of War shall provide for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories, and for giving notice on the northern lakes and sea-coast, by magnetic telegraph and marine signals, of the approach and force of storms.

Signal-stations, reports, &c.

SEC. 222. The Secretary of War shall provide, in the system of observations and reports in charge of the Chief-Signal Officer of the Army, for such stations, reports, and signals as may be found necessary for the benefit of agriculture and commercial interests.

Telegraph-lines connecting signal-stations.

SEC. 223. The Secretary of War is authorized to establish signal-stations at light-houses and at such of the life-saving stations on the lake or sea-coast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the signal-service by means of a suitable telegraph-line in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the Chief Signal-Officer of the Army, or the Secretary of War and the Secretary of the Treasury; and the use of the life-saving stations as signal-stations shall be subject to such regulations as may be agreed upon by said officials.

Report of examinations of river and harbor improvements.

SEC. 231. The Secretary of War shall cause to be prepared and submitted to Congress, in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress, full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvements contemplated by such examinations and surveys, to the end that public moneys shall not be applied excepting where such improvements shall tend to subserve the general commercial and navigation interests of the United States.

An act authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War.

March 4, 1874.

Secretary of War may authorize chief clerk to sign requisitions, &c., in his absence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when, from illness or other cause, the Secretary of War is temporarily absent from the War Department, he may authorize the chief clerk of the Department to sign requisitions upon the Treasury Department, and other papers requiring the signature of said Secretary; the same, when signed by the chief clerk during such temporary absence, to be of the same force and effect as if signed by the Secretary of War himself.

Approved, March 4, 1874.

* Salary eight thousand dollars.

DEBTS DUE BY OR TO THE UNITED STATES.

Sec.
3466. Priority established.
3467. Liability of executors.
3468. Priority of sureties.
3469. Compromises.
3470. Purchase on execution.
3471. Discharge of poor debtor by Secretary of the Treasury.
3472. Discharge by the President.
—— Deduction of debts due from judgments.

Title 36.

Priority established.

SEC. 3466. Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority hereby established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed.

Liability of executors, &c.

SEC. 3467. Every executor, administrator, or assignee, or other person who pays any debt due by the person or estate from whom or for which he acts, before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate for the debts so due to the United States, or for so much thereof as may remain due and unpaid. [See § 5101 R. S., BANKRUPTCY.]

Priority of sureties.

SEC. 3468. Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond, or the executor, administrator, or assignee of such surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee, shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States; and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon.

Compromise.

SEC. 3469. Upon a report by a district attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the Solicitor of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws.

Purchase on execution.

SEC. 3470. At every sale, on execution, at the suit of the United States, of lands or tenements of a debtor, the United States may, by such agent as the Solicitor of the Treasury shall appoint, become the purchaser thereof; but in no case shall the agent bid in behalf of the United States a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs. Whenever such purchase is made, the marshal of the district in which the sale is held shall make all needful conveyances, assignments, or transfers to the United States.

Discharge of poor debtor by Secretary of the Treasury.

SEC. 3471. Any person imprisoned upon execution issuing from any court of the United States, for a debt due to the United States, which he is unable to pay, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and thereupon the Secretary may make, or require to be made, an examination and inquiry into the circumstances of the debtor, by the oath of the debtor, which the Secretary, or any other person by him specially appointed, is authorized to administer, or otherwise, as the Secretary shall deem necessary and expedient, to ascertain the truth; and upon proof made to his satisfaction, that the debtor is unable to pay the debt for which he is imprisoned, and that he has not concealed or made any conveyance of his estate, in trust, for himself, or with an intent to defraud the United States, or to deprive them of their legal priority, the Secretary is authorized to receive from such debtor any deed, assignment, or conveyance of his real or personal estate, or any collateral security, to the use of the United States. Upon a compliance by the debtor with such terms and conditions as the

Secretary may judge reasonable and proper, the Secretary must issue his order, under his hand, to the keeper of the prison, directing him to discharge the debtor from his imprisonment under such execution. The debtor shall not be liable to be imprisoned again for the debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor. The benefit of this section shall not be extended to any person imprisoned for any fine, forfeiture, or penalty, incurred by a breach of any law of the United States, or for moneys had and received by any officer, agent, or other person, for their use; nor shall its provisions extend to any claim arising under the postal laws.

Discharge by the President.

SEC. 3472. Whenever any person is imprisoned upon execution for a debt due to the United States, which he is unable to pay, and his case is such as does not authorize his discharge by the Secretary of the Treasury, under the preceding section, he may make application to the President, who, upon proof made to his satisfaction that the debtor is unable to pay the debt, and upon a compliance by the debtor with such terms and conditions as the President shall deem proper, may order the discharge of such debtor from his imprisonment. The debtor shall not be liable to be imprisoned again for the same debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor.

An act to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor.

Amount of debt due U. S. to be withheld by Secretary of Treasury in paying judgments, &c., of debtor against U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any final judgment recovered against the United States or other claim duly allowed by legal authority, shall be presented to the Secretary of the Treasury for payment, and the plaintiff or claimant therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Secretary to withhold payment of an amount of such judgment or claim equal to the debt thus due to the United States; and if such plaintiff or claimant assents to such set off, and discharges his judgment or an amount thereof equal to said debt or claim, the Secretary shall execute a discharge of the debt due from the plaintiff to the United States. But if such plaintiff, or claimant, denies his indebtedness to the United States, or refuses to consent to the set-off, then the Secretary shall withhold payment of such further amount of such judgment, or claim, as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment. And if such debt is not already in suit, it shall be the duty of the Secretary to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch. And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amount so withheld as before provided, the balance shall then be paid over to such plaintiff by such Secretary with six per cent. interest, thereon for the time it has been withheld from the plaintiff.

Secretary to execute discharge, when.

Additional amount to be withheld when claimant denies debt.

Duty of Secretary to sue on debt.

Balance, how paid to claimant when judgment against U. S., or for less sum than withheld.

Approved, March 3, 1875.

DESERTERS AND DESERTION.

Sec.
1420. Deserters not to be enlisted.
1553. Enticing persons to desert.
1624. Punishment for desertion, enlisting deserters, &c.
4749. Certain soldiers and sailors not to be deemed deserters.
5455. Enticing desertion, harboring deserters.

Title 15, Chap. 1

Persons not to be enlisted.

SEC. 1420. No minor under the age of sixteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States shall be enlisted in the naval service.

Title 15, Chap. 7.

Enticing persons to desert.

SEC. 1553. Any person who shall entice or procure, or attempt to entice or procure, any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who shall in anywise aid or assist any such seaman or other person in deserting, or in attempting to desert from such service,

or who shall harbor, conceal, protect, or in anywise assist any such seaman or other person who may have deserted from said service, knowing him to have deserted therefrom, or who shall refuse to give up and deliver such person on the demand of an officer authorized to receive him, shall be punished by imprisonment for not less than six months nor more than three years, and by fine of not more than two thousand dollars, to be enforced in any court of the United States having jurisdiction.

Title 15, Chap. 10.

SEC. 1624. * * * * * * * *

Offenses punishable by death.

ART. 4. The punishment of death, or such other punishment as a court-martial may adjudge, may be inflicted on any person in the naval service—

who * * * * * * * *

Desertion in time of war.

Sixth. * * , in time of war, deserts or entices others to desert;

Deserting trust.

Seventh. * * , in time of war, deserts or betrays his trust, or entices or aids others to desert or betray their trust;

Offenses punishable at discretion of court-martial.

ART. 8. Such punishment as a court-martial may adjudge may be inflicted on any person in the Navy—

who * * * * * * * *

Desertion in time of peace.

Twenty-first. * * in time of peace, deserts or attempts to desert, or aids and entices others to desert;

Harboring deserters.

Twenty-second. Or receives or entertains any deserter from any other vessel of the Navy, knowing him to be such, and does not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander-in-chief, or to the commander of the squadron.

Officers absent without leave may be reduced.

ART. 9. Any officer who absents himself from his command without leave may, by the sentence of a court-martial, be reduced to the rating of an ordinary seaman.

Desertion by resignation.

ART. 10. Any commissioned officer of the Navy or Marine Corps who, having tendered his resignation, quits his post or proper duties without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of such resignation, shall be deemed and punished as a deserter.

Enlisting deserters, minors, &c.

ART. 19. Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States * * * shall be dishonorably dismissed from the service of the United States.

Title 57.

SEC. 4749. No soldier or sailor shall be taken or held to be a deserter from the Army or Navy who faithfully served according to his enlistment until the nineteenth day of April, eighteen hundred and sixty-five, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date; but nothing herein contained shall operate as a remission of any forfeiture incurred by any such soldier or sailor of his pension; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred by the loss of his citizenship in consequence of his desertion.

Certain soldiers and sailors not to be deemed deserters, &c.

Title 70, Chap. 5.

SEC. 5455. Every person who entices or procures, or attempts or endeavors to entice or procure, any soldier in the military service of the United States, or who has been recruited for such service, to desert therefrom, or who aids any such soldier in deserting or attempting to desert from such service, or who harbors, conceals, protects, or assists any such soldier who may have deserted from such service, knowing him to have deserted therefrom, or who refuses to give up and deliver such soldier on the demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than two years, and by a fine not exceeding five hundred dollars; and every person who entices or procures, or attempts or endeavors to entice or procure, any seaman in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who aids any such seaman in deserting or in attempting to desert from such service, or who harbors, conceals, protects, or assists any such seaman who may have deserted from such service, knowing him to have deserted therefrom, or who refuses to give up and deliver such sailor on the demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than three years, and by a fine of not more than two thousand dollars. [See §§ 1996–1997, 1998–1999, CITIZENSHIP, and 2438 BOUNTY LAND.]

Enticing desertions from the military or naval service.

DIPLOMATIC AND CONSULAR OFFICERS.

See also FOREIGN RELATIONS, VESSELS OF MERCHANT SERVICE, and SEAMEN—MERCHANT.

Sec.
1433. Navy officers temporarily exercising consular powers.
1440. Accepting appointments vacates Navy commission.
1674. Official designations, consular and diplomatic service.
1684. Condition of compensation of chargé d'affaires or secretary.
1685. Compensation of secretary of legation acting as chargé d'affaires.
1686. Compensation of persons filling two offices.
1688. Uniforms and official costumes.
1707. Protests.
1708. Lists and returns of seamen, vessels, &c.
1709. Estates of decedents.
1710. Notification of death.
1711. Decedent's directions to be followed.
1718. Fees allowed for official service.
1719. No profit from discharged seamen.

Sec.
1723. Exacting excessive fees.
1735. } Neglect of duty by consuls.
1736. }
1737. False certificate of property.
1738. When consular officers may perform diplomatic functions.
1739. Compensation of consular officer performing diplomatic functions.
1750. Depositions.
1751. Certain correspondence prohibited.
4079. Powers of foreign consuls over disputes between seamen.
4080. Arrest of seamen on application of consul.
4081. Commitment and discharge.
4082. Power of United States consular officers to solemnize marriages.
—— Allowance of travel.
—— Vice-consuls acting as consuls, pay, &c.
—— Absence, correspondence, &c.

Title 15, Chap. 2

Consular powers.

SEC. 1433. The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States.

Accepting appointments in diplomatic service.

SEC. 1440. If any officer of the Navy accepts or holds an appointment in the diplomatic or consular service of the Government, he shall be considered as having resigned his place in the Navy, and it shall be filled as a vacancy.

Title 18, Chap. 1.

Definition of official designations employed in this title.

SEC. 1674. The official designation employed throughout this Title shall be deemed to have the following meanings, respectively:

First. "Consul-general," "consul," and "commercial agent," shall be deemed to denote full, principal, and permanent consular officers, as distinguished from subordinates and substitutes.

Second. "Deputy consul" and "consular agent" shall be deemed to denote consular officers subordinate to such principals, exercising the powers and performing the duties within the limits of their consulates or commercial agencies respectively, the former at the same ports or places, and the latter at ports or places different from those at which such principals are located respectively.

Third. "Vice-consuls," and "vice commercial agents," shall be deemed to denote consular officers, who shall be substituted, temporarily, to fill the places of consuls-general, consuls, or commercial agents, when they shall be temporarily absent or relieved from duty.

Fourth. "Consular officer" shall be deemed to include consuls-general, consuls, commercial agents, deputy consuls, vice-consuls, vice-commercial agents, and consular agents, and none others.

Fifth. "Diplomatic officer" shall be deemed to include ambassadors, envoys extraordinary, ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, agents, and secretaries of legation, and none others.

Condition of compensation of chargé d'affaires or secretary.

SEC. 1684. To entitle any chargé d'affaires, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to compensation, they shall respectively be appointed by the President, by and with the advice and consent of the Senate; but in the recess of the Senate the President is authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any chargé d'affaires, or any of the secretaries hereinbefore described, who shall not be so appointed.

Compensation of secretary of legation acting as chargé d'affaires.

SEC. 1685. For such time as any secretary of legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed, he shall be entitled to receive compensation at the rate allowed by law for a chargé d'affaires at such post; but he shall not be entitled to receive, for such time, the compensation allowed for his services as secretary of legation.

Compensation of persons filling two offices.

SEC. 1686. When to any diplomatic office held by any person there is superadded another, such person shall be allowed additional compensation for his services, in such superadded office, at the rate of fifty per centum of the amount allowed by law for such superadded office, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty, at the commencement and termination of the period of such superadded office, and no longer; and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof.

Uniforms and official costumes.

SEC. 1688. No person in the diplomatic service of the United States shall wear any uniform or official costume not previously authorized by Congress.

Title 18, Chap. 2.

Protests.

SEC. 1707. Consuls and vice-consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice-consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States. [See § 896, EVIDENCE.]

Lists and returns of seamen, vessels, &c.

SEC. 1708. Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of the Treasury. [See §§ 4561, 4580, under SEAMEN—MERCHANT.]

SEC. 1709. It shall be the duty of consuls and vice-consuls, where the laws of the country permit:

Estates of decedents.

First. To take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within their consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects.

Second. To inventory the same with the assistance of two merchants of the United States, or, for want of them, of any others at their choice.

Third. To collect the debts due the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted.

Fourth. To sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue.

Fifth. To transmit the balance of the estate to the Treasury of the United States, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

Notification of death.

SEC. 1710. For the information of the representative of the deceased, the consul or vice-consul, in the settlement of his estate, shall immediately notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

Decedent's directions to be followed.

SEC. 1711. When any citizen of the United States, dying abroad, leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer of the port or place where he dies, of the personal property of which he dies possessed in such country, such officer shall, so far as the laws of the country permit, strictly observe such directions. When any such citizen so dying, appoints, by any lawful testamentary disposition, any other person than such officer

to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen dies; and to this end it shall be the duty of such consular officer to place his official seal upon all of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise.

Fees allowed for official service.

SEC. 1718. Whenever any master or commander of a vessel of the United States has occasion for any consular or other official service, which any consular officer of the United States is authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the consular officer at the consulate or commercial agency where such service is required to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits so to do shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All consular officers are authorized and required to retain in their possession all the papers of such vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels. [See §§ 4207, 4309, VESSELS—MERCHANT.]

No profit from discharged seamen.

SEC. 1719. No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law. [See §§ 4561, 4577, 4578, 4580, 4581, 4584, under SEAMEN—MERCHANT.]

Exacting excessive fees.

SEC. 1723. Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain out of the compensation of such officer, the amount of such overcharge, and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

Neglect of duty &c.

SEC. 1735. Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office.

Neglect of duty to seamen; corrupt conduct.

SEC. 1736. If any consul or commercial agent neglects or omits to perform, seasonably, the duties imposed upon him by the laws regulating the shipment and discharge of seamen, and the reclamation of deserters on board or from vessels in foreign ports, or is guilty of any malversa-

tion or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than ten thousand dollars and not less than one thousand. [See § 4600, under SEAMEN—MERCHANT.]

False certificate of property. SEC. 1737. If any consul, vice-consul, commercial agent, or vice-commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than ten thousand dollars.

When consular officers may perform diplomatic functions. SEC. 1738. No consular officer shall exercise diplomatic functions, or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or country to which he is appointed, or any other country or government, when there is in such country any officer of the United States authorized to perform diplomatic functions therein; nor in any case, unless expressly authorized by the President so to do. [See § 5335, under TREASON.]

Compensation of consular officer performing diplomatic functions. SEC. 1739. For such time as any consular officer shall be authorized to perform diplomatic functions, in the absence of the regular diplomatic officer in the country to which he shall be appointed, he shall be entitled, in addition to his compensation as such consular officer, to receive compensation for his services while so authorized, at the rate which would be allowed for a secretary of legation in such country.

Title 18, Chap. 3.

Depositions. SEC. 1750. Every secretary of legation and consular officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody. [See §§ 5392, 5393, PERJURY.]

Penalty for perjury in such cases.

Evidence of taking the oath.

Penalty for forging certificate of oath.

Certain correspondence by officers prohibited. SEC. 1751. No diplomatic or consular officer shall correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States, nor recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such government. [See June 17, 1874, *post.*]

Powers of foreign consuls over disputes between seamen.

SEC. 4079. Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul-general, consuls, vice-consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation. [See § 5280, EXTRADITION.]

Arrest of seamen on application of consul.

SEC. 4080. In all cases within the purview of the preceding section the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a circuit court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping-articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commissioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

Commitment and discharge.

SEC. 4081. If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient prima-facie case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under a sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application.

Power of United States consular officers to solemnize marriages.

SEC. 4082. Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such consular officers shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificates shall specify the names of the parties, their ages, places of birth, and residence.

Act making appropriations for consular and diplomatic service.

June 11, 1874.

Necessary time for traveling between diplomatic and consular posts and Washington to be determined, &c.

SEC. 4. That the Secretary of State shall, as soon as practicable, establish and determine the maximum amount of time actually necessary to make the transit between each diplomatic and consular post and the city of Washington, and vice versa, and shall make the same public. He may also, from time to time, revise his decision in this respect; but in each case the decision is to be in like manner made public. And the allowance for time actually and necessarily occupied by each diplomatic and consular officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer.

* * * * * * *

Pay of vice-consuls acting as consuls.

SEC. 6. That any vice-consul who may be temporarily acting as consul during the absence of such consul may receive compensation, notwithstanding that he is not a citizen of the United States.

Approved, June 11, 1874.

An act relating to ambassadors, consuls, and other officers.

June 17, 1874.

Diplomatic and consular officers not to be absent without leave.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no Ambassador, Envoy Extraordinary Minister Plenipotentiary, Minister Resident, Commissioner to any foreign country, chargé d'affaires, Secretary of Legation, Assistant Secretary of Legation, Interpreter to any Legation in any foreign country, Consul General, Consul, Commercial Agent, consular pupils, or consular agent shall be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness; nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor without the consent of the Secretary of State previously obtained, recommend any person at home or abroad for any employment of trust or profit under the government of the country in which he is located; nor ask or accept for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government.

No compensation when absent.

Not to correspond with private persons or newspapers in relation to foreign governments.

Not to recommend persons for employment, &c.

Approved, June 17, 1874.

DISBURSING OFFICERS AND AGENTS.

See also EMBEZZLEMENT.

Sec.
285. Disbursements by order of commanding officer.
957. Suits against delinquents.
1550. Disbursing agents on foreign stations.
1788. Disbursing officers forbidden to trade in public funds or property.
3614. Bonds of special agents.
3620. Duty of disbursing officers.
3621. Penalty for failure to deposit when required.
3622. Accounts.
3623. Distinct accounts required.
3624. Suits to recover moneys from officers.
5488. Improper use of public moneys.

Title 7, Chap. 4.

Disbursements, &c., by order of commanding officer of Navy.

SEC. 285. Every disbursement of public moneys, or disposal of public stores, made by a disbursing officer pursuant to an order of any commanding officer of the Navy, shall be allowed by the proper accounting officers of the Treasury, in the settlement of the accounts of the officer, upon satisfactory evidence of the making of such order, and of the payment of money or disposal of stores in conformity with it; and the commanding officer by whose order such disbursement or disposal was made, shall be held accountable for the same.

Title 13, Chap. 18.

Delinquents for public money; judgment at return term, unless, &c.

SEC. 957. When suit is brought by the United States against any revenue officer or other person accountable for public money, who neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court, (the United States attorney being present,) makes and subscribes an oath that he is equitably entitled to

credits which had been, previous to the commencement of the suit, submitted to the accounting officers of the Treasury, and rejected; specifying in the affidavit each particular claim so rejected, and that he cannot then safely come to trial. If the court, when such oath is made, subscribed, and filed, is thereupon satisfied, a continuance until the next succeeding term may be granted. Such continuance may also be granted when the suit is brought upon a bond or other sealed instrument, and the defendant pleads non est factum, or makes a motion to the court, verifying such plea or motion by his oath, and the court thereupon requires the production of the original bond, contract, or other paper specified in the affidavit. And no continuance shall be granted except as herein provided. [See § 3624.]

Title 15, Chap. 7.

Appointment of persons to disburse money on foreign stations.

SEC. 1550. No person shall be employed or continued abroad, to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate.

Title 19.

Disbursing officers forbidden to trade in public funds or property.

SEC. 1788. Every officer of the United States concerned in the disbursement of the revenues thereof who carries on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be deemed guilty of a misdemeanor, and punished by a fine of three thousand dollars, and shall, upon conviction, be removed from office, and forever thereafter be incapable of holding any office under the United States.

Title 40.

Bonds of special agents.

SEC. 3614. Whenever it becomes necessary for the head of any department or office to employ special agents other than officers of the army or navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the department or office employing them may approve.

Duty of disbursing officers.

SEC. 3620. It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement, to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States. In places, however, where there is no treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors. [See § 5488.]

Penalty for failure to deposit money when required.

SEC. 3621. Every person who shall have moneys of the United States in his hands or possession shall pay the same to the Treasurer, an assistant treasurer, or some public depositary of the United States, and take his receipt for the same, in duplicate, and forward one of them forthwith to the Secretary of the Treasury. [See § 5492, EMBEZZLEMENT.]

Accounts.

SEC. 3622. Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the Bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the proper accounting officer of the Treasury for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the proper accounting officer of the Treasury. In case of the non-receipt at the Treasury, or proper Bureau, of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. The Secretary of the Treasury may, if in his opinion the circumstances of the case justify and require it, extend the time hereinbefore prescribed for the rendition of accounts. Nothing herein contained shall, however, be construed to restrain the heads of any of the Departments from requiring such other returns or reports from the officer or

agent, subject to the control of such heads of Department, as the public interest may require. [See § 5491, EMBEZZLEMENT.]

Distinct accounts required.

SEC. 3623. All officers, agents, or other persons, receiving public moneys shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them.

Suits to recover money from officers, regulated.

SEC. 3624. Whenever any person accountable for public money, neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account, the First Comptroller of the Treasury shall institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per centum per annum, from the time of receiving the money until it shall be repaid into the Treasury. [See DISTRESS-WARRANTS.]

Title 70, Chap. 6.

Disbursing officer unlawfully depositing, converting, loaning, or transferring public money.

SEC. 5488. Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer, or any authorized depository, or for any purpose not prescribed by law, transfers or applies any portion of the public money intrusted to him, is, in every such act, deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than one thousand dollars, or by both such fine and imprisonment. [See 5497, under EMBEZZLEMENT; see also under heads of ACCOUNTS, CHECKS, DISTRESS-WARRANTS, and PAY CORPS.]

DISMISSAL OF OFFICERS.

Sec.
1441. Officers dismissed or resigning to escape dismissal.
1624. Dismissal of officers.
— Officers dismissed by President may demand trial.
— Act amending article 37.

Title 15, Chap. 2.

Officers dismissed, or resigning to escape dismissal.

SEC. 1441. No officer of the Navy who has been dismissed by the sentence of a court-martial, or suffered to resign in order to escape such dismissal, shall ever again become an officer of the Navy.*

Title 15, Chap. 10.

Dismissal of officers.

SEC. 1624, ART. 36. No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof.

Officer dismissed by the President may demand trial.

ART. 37. When any officer, dismissed by order of the President since 3d March, 1865, makes, in writing, an application for trial, setting forth, under oath that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed. And if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void. [See act of June 22, 1874, *infra.*]

An act for the better government of the Navy of the United States.

June 22, 1874.

SEC. 2. That the accounting officers of the Treasury be, and are hereby, prohibited from making any allowance to any officer of the Navy who has been, or may hereafter be, dismissed from the service and restored to the same under the provisions of the twelfth section of the act of March third, eighteen hundred and sixty-five, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes," to exceed more than pay as on leave for six months from the date of dismissal, unless it shall appear that the officer demanded in writing, addressed to the Secretary of the Navy, and continued to demand as often as once in six months, a trial as provided for in said act.

Approved, June 22, 1874.

* Act of July 16, 1862; 12 Stat., p. 585.

DISTRESS-WARRANTS.

See also EMBEZZLEMENT.

Sec
3625. Distress-warrant.
3626. Contents of warrant.
3627. Execution against officer.
3628. Execution against surety.
3629. Levy to be a lien.
3630. Sale of lands, &c., on execution.
3631. Conveyance of lands sold.
3632. Disposal of surplus.
3633. Penalty on disbursing officer failing to account.
Sec.
3634. Extent of application of provisions relating to distress-warrants.
3635. Postponement of proceedings for non-accounting, when allowed.
3636. Injunction to stay distress-warrant.
3637. Proceedings on distress-warrant in circuit-court.
3638. Rights of United States reserved.

Title 40.

Distress-warrant.

SEC. 3625. Whenever any collector of the revenue, receiver of public money, or other officer who has received the public money before it is paid into the Treasury of the United States, fails to render his account, or pay over the same in the manner or within the time required by law, it shall be the duty of the First Comptroller of the Treasury to cause to be stated the account of such officer, exhibiting truly the amount due to the United States, and to certify the same to the Solicitor of the Treasury, who shall issue a warrant of distress against the delinquent officer and his sureties, directed to the marshal of the district in which such officer and his sureties reside. Where the officer and his sureties reside in different districts, or where they, or either of them, reside in a district other than that in which the estate of either may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively.

Contents of warrant.

SEC. 3626. The warrant of distress shall specify the amount with which such delinquent is chargeable, and the sums, if any, which have been paid.

Execution against officer.

SEC. 3627. The marshal authorized to execute any warrant of distress shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and county where the goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside. If the goods and chattels be not sufficient to satisfy the warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law.

Execution against surety.

SEC. 3628. If the delinquent officer absconds, or if goods and chattels belonging to him cannot be found sufficient to satisfy the warrant, the marshal or his deputy shall proceed, notwithstanding the commitment of the delinquent officer, to levy and collect the sum which remains due by such delinquent, by the distress and sale of the goods and chattels of his sureties; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the goods or chattels were taken, or in the town or county where the owner resides.

Levy to be a lien.

SEC. 3629. The amount due by any delinquent officer is declared to be a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same is discharged according to law.

Sale of lands regulated.

SEC. 3630. For want of goods and chattels of a delinquent officer, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the foregoing provisions, the lands, tenements, and hereditaments of such officer and his sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, before the time of sale, shall be sold by the marshal of such district or his deputy.

Conveyance of lands.

SEC. 3631. For all lands, tenements, or hereditaments sold in pursuance of the preceding section, the conveyance of the marshal or his deputy, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer or his sureties.

Disposal of surplus.

SEC. 3632. All moneys which may remain of the proceeds of sales, after satisfying the warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be.

Failure of disbursing officer to account; penalty.

SEC. 3633. Whenever any officer employed in the civil, military, or naval service of the Government, to disburse the public money appropriated for those branches of the public service, respectively, fails to render his accounts, or to pay over, in the manner and in the times required by law, or by the regulations of the Department to which he is accountable, any sum of money remaining in his hands, it shall be the duty of the First or Second Comptroller of the Treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified the account of such delinquent officer to the Solicitor of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the six preceding sections.

Extent of application of provision for distress-warrants.

SEC. 3634. All the provisions relating to the issuing of a warrant of distress against a delinquent officer shall extend to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner and to the same extent as if they were herein described and enumerated.

Postponement of proceedings for non-accounting, allowed.

SEC. 3635. With the approval of the Secretary of the Treasury, the institution of proceedings by a warrant of distress may be postponed, for a reasonable time, in cases where, in his opinion, the public interest will sustain no injury by such postponement.

Injunction to stay distress-warrant.

SEC. 3636. Any person who considers himself aggrieved by any warrant of distress issued under the foregoing provisions may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge may grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires. But no injunction shall issue till the party applying for it gives bond, with sufficient security, in a sum to be prescribed by the judge, for the performance of such judgment as may be awarded against him; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of the warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it appears to the satisfaction of the judge that the application for the injunction was merely for delay, the judge may add to the lawful interest assessed on all sums found due against the complainant such damages as, with such lawful interest, shall not exceed the rate of ten per centum a year. Such injunction may be granted or dissolved by the district judge either in or out of court.

Proceedings on distress in circuit court.

SEC. 3637. When the district judge refuses to grant an injunction to stay proceedings on a distress-warrant, as aforesaid, or dissolves such injunction after it is granted, any person who considers himself aggrieved by the decision in the premises, may lay before the circuit justice, or circuit judge of the circuit within which such district lies, a copy of the proceedings had before the district judge; and thereupon the circuit justice or circuit judge may grant an injunction, or permit an appeal, as the case may be, if, in his opinion, the equity of the case requires it. The same proceedings, subject to the same conditions, shall be had upon such injunction in the circuit court as are prescribed in the district court.

Rights of United States reserved.

SEC. 3638. Nothing contained in the provisions of this Title relating to distress-warrants shall be construed to take away or impair any right or remedy which the United States might have, by law, for the recovery of taxes, debts, or demands.

DRAFTS.

See CHECKS.

ELECTIVE FRANCHISE.

Sec.
1860. Voting and holding office in Territories by persons in Navy.
2002. Bringing armed troops to places of election.
2003. Interference with freedom of election by officers of Army or Navy.
2004. Race, color, or previous condition not to affect the right to vote.
5506. Preventing, &c., citizens from voting.
5507. Intimidating voters by bribery or threats.
5508. Conspiracy to injure or intimidate citizens in the exercise of civil rights.
5509. Other crimes committed while violating the preceding sections.
5510. Depriving citizens of civil rights under color of State laws.
5528. Unlawful presence of troops at elections.

Sec.
5529. Intimidation of voters by officers, &c., of Army or Navy.
5530. Officers of Army or Navy prescribing qualifications of voters.
5531. Officers, &c., of Army or Navy interfering with officers of election, &c.
5532. Disqualification for holding office.

Title 28, Chap. 1.

SEC. 1860. * * * Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason of being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory.

Title 26.

Bringing armed troops to places of election.

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls. [See §§ 5528, 5529, 5532.]

Interference with freedom of elections by officers of Army or Navy.

SEC. 2003. No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. [See §§ 5530–5532.]

Race, color, or previous condition not to affect the right to vote.

SEC. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Title 70, Chap. 7.

Preventing, &c., citizens from voting.

SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school-district, municipality, or other territorial subdivision, shall be fined not less than five hundred dollars, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment. [See § 2004.]

Intimidating voters by bribery or threats.

SEC. 5507. Every person who prevents, hinders, controls, or intimidates another from exercising, or in exercising the right of suffrage, to whom that right is guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section.

Conspiracy to injure or intimidate citizens in the exercise of civil rights.

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States. [See § 5407, INSURRECTION.]

Other crimes committed while violating the preceding sections.

SEC. 5509. If in the act of violating any provision in either of the two preceding sections any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

Depriving citizens of civil rights under color of State laws.

SEC. 5510. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any State or Territory to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and

laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both. [See § 1979, CIVIL RIGHTS.]

Ibid., s. 2.

Unlawful presence of troops at elections.

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than five thousand dollars, and suffer imprisonment at hard labor not less than three months nor more than five years. [See § 2002.]

Intimidation of voters by officers, &c., of Army or Navy.

SEC. 5529. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State, shall be fined not more than five thousand dollars, and imprisoned at hard labor not more than five years. [See § 2003.]

Officers of Army or Navy prescribing qualifications of voters.

SEC. 5530. Every officer of the Army or Navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any State, shall be punished as provided in the preceding section. [See § 2003.]

Officers, &c., of Army or Navy interfering with officer of election, &c.

SEC. 5531. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section fifty-five hundred and twenty-nine.

Disqualification or holding office.

SEC. 5532. Every person convicted of any of the offenses specified in the five preceding sections, shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

EMBEZZLEMENT.

See also ACCOUNTS and DISBURSING OFFICERS.

Sec.
3639. Duties of custodian of public money.
5488. Unlawfully depositing, loaning, &c., public moneys.
5489. Failure of Treasurer, &c., to safely keep public money.
5490. Custodian of public money failing to safely keep, without loaning, &c.
5491. Failure of officers to render accounts, &c.
5492. Failure to deposit as required.
5493. Provisions of the five preceding sections, how applied.
5494. Record evidence of embezzlement.
5495. Prima-facie evidence.
5496. Evidence of conversion.
5497. Unlawfully receiving, &c., to be embezzlement.

Title 40.

Duties of officers as custodians of public moneys.

SEC. 3639. The Treasurer of the United States, all assistant treasurers, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land-offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper Department or officer of the Government, to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all district attorneys, collec-

tors of customs, naval officers, and surveyors of customs, navy agents, receivers and registers of public lands, paymasters in the Army, commissary-general, and by all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments. [See §§ 5489–5497.]

Disbursing officers unlawfully depositing, converting, loaning, or transferring public money.

SEC. 5488. Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer, or any authorized depository, or for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him, is in every such act deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred or applied; and shall be punished by imprisonment with hard labor, for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than one thousand dollars, or by both such fine and imprisonment.

Failure of Treasurer, &c., to safely keep public moneys.

SEC. 5489. If the Treasurer of the United States, or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having moneys of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be imprisoned not less than six months nor more than ten years, and fined in the sum equal to the amount of money so embezzled. [See § 3639.]

Custodians of public money failing to safely keep, without loaning, &c.

SEC. 5490. Every officer or other person charged by any act of Congress with the safe-keeping of the public moneys, who fails to safely keep the same, without loaning, using, converting to his own use, depositing in banks, or exchanging for other funds than as specially allowed by law, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged; and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. [See § 3639.]

Failure of officer to render accounts, &c.

SEC. 5491. Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law, shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled, and shall be imprisoned not less than six months or more than ten years. [See §§ 3622, 3633, under DISBURSING OFFICERS.]

Failure to deposit as required.

SEC. 5492. Every person who, having moneys of the United States in his hands or possession, fails to make deposit of the same with the Treasurer, or some assistant treasurer, or some public depositary of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper Department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money embezzled.

Provisions of the five preceding sections, how applied.

SEC. 5493. The provisions of the five preceding sections shall be construed to apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same.

Record evidence of embezzlement.

SEC. 5494. Upon the trial of any indictment against any person for embezzling public money under the provisions of the six preceding sections, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public money. [See §§ 3625, 3633, under DISTRESS-WARRANTS.]

Prima-facie evidence.

SEC. 5495. The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money, to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, as prima-facie evidence of such embezzlement.

Evidence of conversion.

SEC. 5496. If any officer charged with the disbursement of the public moneys, accepts, receives, or transmits to the Treasury Department to

be allowed in his favor, any receipt or voucher from a creditor of the United States, without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion, by such officer, to his own use, of the amount specified in such receipt or voucher. [See § 3652, under CHECKS.]

Unlawfully receiving, &c., to be embezzlement.

SEC. 5497. Every banker, broker, or other person not an authorized depositary of public moneys, who knowingly receives from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or who uses, transfers, converts, appropriates, or applies any portion of the public money for any purpose not prescribed by law, and every president, cashier, teller, director, or other officer of any bank or banking association, who violates any of the provisions of this section, is guilty of an act of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be punished as prescribed in section fifty-four hundred and eighty-eight. [See § 3639.]

ENGINEER CORPS.

Sec.
1390. Engineer Corps, number and rank.
1391. Appointment of.
1392. Qualifications of.
1393. Engineer of the fleet.
1476. Rank.
1484. Engineer officers graduated at the Academy.
1556. Pay.

Title 15, Chap. 1.

Engineer Corps, number and rank.

SEC. 1390. The active list of the Engineer Corps of the Navy shall consist of seventy chief engineers, who shall be divided into three grades, by relative rank, as provided in Chapter Four of this Title; [See § 1476.]

Ten chief engineers;

Fifteen chief engineers; and

Forty-five chief engineers, who shall have the relative rank of lieutenant-commander or lieutenant.

And each and all of the above-named officers of the Engineer Corps shall have the pay of chief engineers of the Navy, as now provided.

One hundred* first assistant engineers, who shall have the relative rank of lieutenant or master; and

One hundred* second assistant engineers, who shall have the relative rank of master or ensign; and the said assistant engineers shall have the pay of first and second assistant engineers of the Navy, respectively, as now provided.

Appointment of.

SEC. 1391. Engineers shall be appointed by the President, by and with the advice and consent of the Senate.

Qualifications of.

SEC. 1392. No person under nineteen or over twenty-six years of age shall be appointed a second assistant engineer in the Navy; nor shall any person be appointed or promoted in the Engineer Corps until after he has been found qualified by a board of competent engineers and medical officers designated by the Secretary of the Navy, and has complied with existing regulations.

Engineer of the fleet.

SEC. 1393. The President may designate among the chief engineers in the service, and appoint to every fleet or squadron, an engineer, who shall be denominated "engineer of the fleet."

Title 15, Chap. 4.

Rank.

SEC. 1476. Officers of the Engineer Corps on the active list shall have relative rank as follows:

Of the chief engineers, ten shall have the relative rank of captain, fifteen that of commander, and forty-five that of lieutenant-commander or lieutenant.

First assistant engineers shall have the relative rank of lieutenant or master, and second assistant engineers that of master or ensign.

SEC. 1484. Engineer officers graduated at the Naval Academy shall take precedence with all other officers with whom they have relative rank, according to the actual length of service in the Navy. [See § 1394, ENGINEER-CADET.]

* That from and after the passage of this act the title of first assistant engineer shall be changed to passed assistant engineer, and that the title of second assistant engineer shall be changed to assistant engineer: *Provided*, That the regulations of the Navy Department in relation to the examinations and amount of sea-service previous to each examinations be complied with.

Approved February 24, 1874.

SEC. 1556. * * * Fleet engineers, four thousand four hundred dollars.* * * * Chief engineers, who have the same rank with paymasters, during the first five years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave or waiting orders, two thousand dollars; during the second five years after such date, when at sea, three thousand two hundred dollars; on shore duty, two thousand eight hundred dollars; on leave or waiting orders, two thousand four hundred dollars; during the third five years after such date, when at sea, three thousand five hundred dollars; on shore duty, three thousand two hundred dollars; on leave or waiting orders, two thousand six hundred dollars; during the fourth five years after such date, when at sea, three thousand seven hundred dollars; on shore duty, three thousand six hundred dollars; on leave or waiting orders, two thousand eight hundred dollars; after twenty years from such date, when at sea, four thousand two hundred dollars; on shore duty, four thousand dollars; on leave or waiting orders, three thousand dollars. Title 15. Chap. 8. Pay of fleet engineers. Chief engineers.

First assistant engineers, during the first five years after date of appointment, when at sea, two thousand dollars; on shore duty, one thousand eight hundred dollars; on leave or waiting orders, one thousand five hundred dollars; after five years from such date, when at sea, two thousand two hundred dollars; on shore duty, two thousand dollars; on leave or waiting orders, one thousand seven hundred dollars. First assistant engineers.

Second assistant engineers, during the first five years after date of appointment, when at sea, one thousand seven hundred dollars; on shore duty, one thousand four hundred dollars; on leave or waiting orders, one thousand dollars; after five years from such date, when at sea, one thousand nine hundred dollars; on shore duty, one thousand six hundred dollars; on leave or waiting orders, one thousand two hundred dollars. Second engineers.

ENGINEERS—CADET.

Sec.
1394. Appointment as second assistant engineers.
1403. Appointment as assistant naval constructors.
1522. Class of, at Academy.
1523. Number and appointment.
1524. Academic course.
1556. Pay.

SEC. 1394. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be appointed by the President and confirmed by the Senate as second assistant engineers. [See § 1484, ENGINEER CORPS.] Title 15, Chap. 1. Cadet engineers, graduating.

SEC. 1403. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be immediately appointed as assistant naval constructors. Appointment as assistant naval constructors.

SEC. 1522. The Secretary of the Navy is authorized to make provision, by regulations issued by him, for educating at the Naval Academy, as naval constructors or steam engineers, such midshipmen and others as may show a peculiar aptitude therefor. He may, for this purpose, form a separate class at the Academy, to be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for said professions. Title 15, Chap. 5. Class of cadet engineers at Academy.

SEC. 1523. Cadet engineers shall be appointed by the Secretary of the Navy. They shall not at any time exceed fifty† in number, and no persons, other than midshipmen, shall be eligible for appointment unless they shall first produce satisfactory evidence of mechanical skill and proficiency, and shall have passed an examination as to their mental and physical qualifications. Number and appointment of.

SEC. 1524. The course for cadet engineers shall be four years, including two years of service on naval steamers.‡ Academic course of.

*Chief engineers having the same rank as medical and pay directors and inspectors shall, when at sea, have the same pay.
Approved March 3, 1873.

† Cadet-engineers shall hereafter be appointed annually by the Secretary of the Navy, and the number appointed each year shall not exceed twenty-five; and that all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.
Approved, June 22, 1874.

‡ SEC. 2. That from and after the thirtieth day of June, eighteen hundred and seventy-four, the course of instruction at the Naval Academy for cadet-engineers shall be four years, instead of two as now provided by law; and this provision shall first apply to the class of cadet-engineers entering the academy in the year eighteen hundred and seventy-four, and to all subsequent classes; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed.
Approved, February 24, 1874.

Examinations of.

SEC. 1525. Cadet engineers shall be examined from time to time, according to regulations prescribed by the Secretary of the Navy, and if found deficient at any examination, or if dismissed for misconduct, they shall not be continued in the Academy or in the service except upon the recommendation of the academic board.

Title 15, Chap. 8.

Pay.

SEC. 1556. Cadet engineers: before final academic examination, five hundred dollars; after final academic examination, and until warranted as assistant engineers, when on duty at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.

ENLISTMENT.

See SEAMEN OF THE NAVY.

ENSIGNS.

See LINE OFFICERS.

ESTIMATES.

See APPROPRIATIONS.

EVIDENCE.

See also WITNESSES.

Sec.
860. Pleadings, disclosures, &c., not to be used in criminal proceedings.
882. Copies of Department records and papers.
883. Transcripts from books of the Treasury in suits against delinquents.
886. Copies of records, &c., in office of Solicitor of Treasury.
887. Transcripts in indictments for embezzlement.
888. Copies of returns in returns-office.
896. Copies of consular records.
908. Little & Brown's edition of statutes.
1778. Oaths, acknowledgments.

Title 13, Chap. 17.

Pleadings, disclosures, &c., not to be used in criminal proceedings.

SEC. 860. No pleading of a party, nor any discovery or evidence obtained from a party or witness by means of a judicial proceeding in this or any foreign country, shall be given in evidence, or in any manner used against him or his property or estate, in any court of the United States, in any criminal proceeding, or for the enforcement of any penalty or forfeiture: *Provided*, That this section shall not exempt any party or witness from prosecution and punishment for perjury committed in discovering or testifying as aforesaid.

Copies of Department records and papers.

SEC. 882. Copies of any books, records, papers, or documents in any of the Executive Departments, authenticated under the seals of such Departments, respectively, shall be admitted in evidence equally with the originals thereof.

Copies of records, &c., in office of Solicitor of the Treasury.

SEC. 883. Copies of any documents records, books, or papers in the office of the Solicitor of the Treasury, certified by him under the seal of his office, or, when his office is vacant, by the officer acting as Solicitor for the time, shall be evidence equally with the originals.

Transcripts from books, &c., of the Treasury, in suits against delinquents.

SEC. 886. When suit is brought in any case of delinquency of a revenue officer, or other person accountable for public money, a transcript from the books and proceedings of the Treasury Department, certified by the Register and authenticated under the seal of the Department, or, when the suit involves the accounts of the War or Navy Departments, certified by the Auditors respectively charged with the examination of those accounts, and authenticated under the seal of the Treasury Department, shall be admitted as evidence, and the court trying the cause shall be authorized to grant judgment and award execution accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with, the settlement of any account between the United States and an individual, when certified by the Register, or by such Auditor, as the case may be, to be true copies of the originals on file, and authenticated under the seal of the Department, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit which would be due to the original papers if produced and authenticated in court: *Provided*, That where suit is brought upon a bond or other sealed instrument, and the defendant pleads "non est factum," or makes his motion to the court, verifying such plea or motion by his oath, the court may take the same into consideration, and, if it appears to be necessary for the attainment of justice, may require the production of the original bond, contract, or other paper specified in such affidavit.

In indictments for embezzlement of public moneys.

SEC. 887. Upon the trial of any indictment against any person for embezzling public moneys, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury Department, as provided by the preceding section. [See § 5494, EMBEZZLEMENT.]

Copies of returns in returns-office.

SEC. 888. A copy of any return of a contract returned and filed in the returns-office of the Department of the Interior, as provided by law, when certified by the clerk of the said office to be full and complete, and when authenticated by the seal of the Department, shall be evidence in any prosecution against any officer for falsely and corruptly swearing to the affidavit required by law to be made by such officer in making his return of any contract, as required by law, to said returns-office. [See § 3744, CONTRACTS.]

Copies of records, &c., in offices of United States consuls, &c.

SEC. 896. Copies of all official documents and papers in the office of any consul, vice-consul, or commercial agent of the United States, and of all official entries in the books or records of any such office, certified under the hand and seal of such officer, shall be admitted in evidence in the courts of the United States. [See § 1707, DIPLOMATIC AND CONSULAR OFFICERS.]

Little & Brown's edition of the statutes to be evidence.

SEC. 908. The edition of the laws and treaties of the United States, published by Little & Brown, shall be competent evidence of the several public and private acts of Congress, and of the several treaties therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.

Title 19.

Taking oaths, acknowledgments, &c.

SEC. 1778. In all cases in which, under the laws of the United States, oaths or acknowledgments may now be taken or made before any justice of the peace of any State or Territory, or in the District of Columbia, they may hereafter be also taken or made by or before any notary public duly appointed in any State, district, or Territory, or any of the commissioners of the circuit courts, and, when certified under the hand and official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace.

EXAMINING BOARD.

See PROMOTION, &c.

EXECUTIVE DEPARTMENT.

See DEPARTMENTS—EXECUTIVE, also VACANCIES.

EXTORTION.

Sec.
5481. Officer guilty of extortion.
5483. Requiring receipts for larger sums than paid.

Title 70, Chap. 6.

Officer of the United States guilty of extortion.

SEC. 5481. Every officer of the United States who is guilty of extortion under color of his office shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than one year, except those officers or agents of the United States otherwise differently and specially provided for in subsequent sections of this chapter.

Receipting for larger sums than are paid.

SEC. 5483. Every officer charged with the payment of any of the appropriations made by any act of Congress, who pays to any clerk, or other employé of the United States, a sum less than that provided by law, and requires such employé to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employé of the Government, and shall be imprisoned at hard labor for the term of two years.

EXTRADITION.

Sec.
5270. Fugitives from the justice of a foreign country.
5271. Evidence on the hearing.
5272. Surrender of the fugitive.
5273. Time allowed for extradition.
5274. Continuance of provisions limited.
5275. Protection of the accused.
5276. Powers of agent receiving offenders delivered by a foreign government.
5277. Penalty for opposing agent, &c.
5278. Fugitives from justice of a State or Territory.
5279. Penalty for resisting agent, &c.
5280. Arrest of deserting seamen from foreign vessels.
5409. Allowing prisoners to escape.
5410. Application of preceding section.

Title 66.

Fugitives from the justice of a foreign country.

SEC. 5270. Whenever there is a treaty or convention for extradition between the Government of the United States and any foreign government, any justice of the Supreme Court, circuit judge, district judge, commissioner, authorized so to do by any of the courts of the United States, or judge of a court of record of general jurisdiction of any State,

may, upon complaint made under oath, charging any person found within the limits of any State, district, or Territory, with having committed within the jurisdiction of any such foreign government any of the crimes provided for by such treaty or convention, issue his warrant for the apprehension of the person so charged, that he may be brought before such justice, judge, or commissioner, to the end that the evidence of criminality may be heard and considered. If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, he shall certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of the treaty or convention; and he shall issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made.

Evidence on the hearing.

SEC. 5271. In every case of complaint, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which an original warrant in any foreign country may have been granted, certified under the hand of the person issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended, if they are authenticated in such manner as would entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party escaped. The certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any paper or other document so offered is authenticated in the manner required by this section.

Surrender of the fugitive.

SEC. 5272. It shall be lawful for the Secretary of State, under his hand and seal of office, to order the person so committed to be delivered to such person as shall be authorized, in the name and on behalf of such foreign government, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person so authorized to hold such person in custody, and to take him to the territory of such foreign government, pursuant to such treaty. If the person so accused shall escape out of any custody to which he shall be committed, or to which he shall be delivered, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he shall so escape, may be retaken on an escape. [See §§ 5409, 5410.]

Time allowed for extradition.

SEC. 5273. Whenever any person who is committed under this Title or any treaty, to remain until delivered up in pursuance of a requisition, is not so delivered up and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the jail to which he was committed, by the readiest way, out of the United States, it shall be lawful for any judge of the United States, or of any State, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Secretary of State, to order the person so committed to be discharged out of custody, unless sufficient cause is shown to such judge why such discharge ought not to be ordered.

Continuance of provisions limited.

SEC. 5274. The provisions of this Title relating to the surrender of persons who have committed crimes in foreign countries shall continue in force during the existence of any treaty of extradition with any foreign government, and no longer.

Protection of the accused.

SEC. 5275. Whenever any person is delivered by any foreign government to an agent of the United States, for the purpose of being brought within the United States and tried for any crime of which he is duly accused, the President shall have power to take all necessary measures for the transportation and safe-keeping of such accused person, and for his security against lawless violence, until the final conclusion of his trial for the crimes or offenses specified in the warrant of extradition, and until his final discharge from custody or imprisonment for or on account of such crimes or offenses, and for a reasonable time thereafter, and may employ such portion of the land or naval forces of the United States, or of the militia thereof, as may be necessary for the safe-keeping and protection of the accused.

Powers of agent receiving offenders delivered by a foreign government.

SEC. 5276. Any person duly appointed as agent to receive, in behalf of the United States, the delivery, by a foreign government, of any person accused of crime committed within the jurisdiction of the United States, and to convey him to the place of his trial, shall have all the powers of a marshal of the United States, in the several districts through which it may be necessary for him to pass with such prisoner, so far as such power is requisite for the prisoner's safe-keeping.

Penalty for opposing agent, &c.

SEC. 5277. Every person who knowingly and willfully obstructs, resists, or opposes such agent in the execution of his duties, or who rescues or attempts to rescue such prisoner, whether in the custody of the agent or of any officer or person to whom his custody has lawfully been committed, shall be punishable by a fine of not more than one thousand dollars, and by imprisonment for not more than one year.

Fugitives from justice of a State or Territory.

SEC. 5278. Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

Penalty for resisting agent, &c.

SEC. 5279. Any agent so appointed who receives the fugitive into his custody, shall be empowered to transport him to the State or Territory from which he has fled. And every person who, by force, sets at liberty or rescues the fugitive from such agent while so transporting him, shall be fined not more than five hundred dollars or imprisoned not more than one year. [See § 5409.]

Arrest of deserting seamen from foreign vessels.

SEC. 5280. On application of a consul or vice-consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate, having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States, shall be delivered up to the consul or vice-consul, to be sent back to the dominions of any such government, or, on the request and at the expense of the consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending, or may be cognizable, shall have pronounced its sentence, and such sentence shall have been carried into effect.

Title 70, Chap. 4.

Allowing prisoners to escape.

SEC. 5409. Whenever any marshal, deputy marshal, ministerial officer, or other person, has in his custody any prisoner by virtue of process issued under the laws of the United States by any court judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person, voluntarily suffers such prisoner to escape, he shall be fined not more than two thousand dollars, or imprisoned for a term not more than two years, or both.

Application of preceding section.

SEC. 5410. The preceding section shall be construed to apply not only to cases in which the prisoner who escaped was charged or found guilty of an offense against the laws of the United States, but also to cases in which a prisoner may be in custody charged with offenses against any foreign government with which the United States have treaties of extradition.

EXTRA PAY, EXTRA SALARIES, &c.

Sec.
1763. Double salaries.
1764. Extra services.
1765. Extra allowances.
2687. Apportionment of salaries.
3654. Extra compensatiion for disbursements.
——. Extra compensation forbidden.

Title 19.

Double salaries.

SEC. 1763. No person who holds an office, the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.

Extra services.

SEC. 1764. No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

Extra allowances.

SEC. 1765. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

[See also §§ 168, 170, 171, under head of DEPARTMENTS.]

Title 34, Chap. 2.

Apportionment of compensation for part of a year's service.

SEC. 2687. Collectors and all other officers of the customs, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a pro rata of the maximum compensation of such officers respectively for the time only which they actually served as such collectors or officers, whether the same be under one or more appointments, or before or after confirmation. And no collector or other officer shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum pro rata rate provided by law. And this section shall be applied and enforced in regard to all officers, agents, and employés of the United States whomsoever, as well those whose compensation is determined by a commission on disbursements, not to exceed an annual maximum, as those paid by salary or otherwise.

Title 40.

Extra compensation for disbursements.

SEC. 3654. No extra compensation exceeding one-eighth of one per centum shall in any case be allowed or paid to any officer, person, or corporation for disbursing moneys appropriated to the construction of any public building.

June 20, 1874.

Extra compensation to civil officers prohibited.

SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the treasury or property of the United States beyond his salary or compensation allowed by law: *Provided*, That this shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees.

Approved, June 20, 1874.

FISH-COMMISSIONER.

Sec.
4395. Appointment of commissioner of fish and fisheries.
4396. Duties of commissioner.
4397. Executive Department to aid investigation.
4398. Powers of commissioner.

51.

Appointment of commissioner of fish and fisheries.

SEC. 4395. There shall be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employés of the Government, a commissioner of fish and fisheries, who shall be a person of proved scientific and practical acquaintance with the fishes of the coast, and who shall serve without additional salary.

SEC. 4396. The commissioner of fish and fisheries shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food-fishes of the coast and the lakes of the United States has taken place; and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress. Duties of the commissioner.

SEC. 4397. The heads of the several Executive Departments shall cause to be rendered all necessary and practicable aid to the commissioner in the prosecution of his investigations and inquiries. Executive Departments to aid investigations.

SEC. 4398. The commissioner may take or cause to be taken at all times, in the waters of the sea-coast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any State to the contrary notwithstanding. Powers of commissioner.

FLAG AND SEAL—STANDARDS.

Sec.
1554. Captured flags.
1555. Display of captured flags.
1791. The flag to be 13 stripes and 37 stars.
1792. A star to be added for every new State.
1793. Seal of the United States.
1794. Secretary of State to keep and use the seal.

SEC. 1554. The Secretary of the Navy shall cause to be collected and transmitted to him, at the seat of Government of the United States, all such flags, standards, and colors as shall have been or may hereafter be taken by the Navy from enemies. Title 15, Chap. 7. Captured flags.

SEC. 1555. All flags, standards, and colors of the description mentioned in the foregoing section, which are now in the possession of the Navy Department, or may hereafter be transmitted to it, shall be delivered to the President, for the purpose of being, under his direction, preserved and displayed in such public place as he may deem proper. Preservation of in some public place.

SEC. 1791. The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field. Title 20. The flag to be 13 stripes and 37 stars.

SEC. 1792. On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission. A star to be added for every new State.

SEC. 1793. The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States. Seal of the United States.

SEC. 1794. The Secretary of State shall keep such seal, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone. But the seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor. Secretary of State to keep and use the seal.

FOREIGN RELATIONS.

IMMUNITY OF MINISTERS.

Sec.
4062. Penalty for violating safe conduct or assaulting public minister.
4063. Process against ministers and their domestics void.
4964. Penalty for suing out or executing such process.
4065. When process may be issued against persons in service of ministers.
4066. Public access to list of names of ministers' servants.

SEC. 4062. Every person who violates any safe conduct or passport duly obtained and issued under authority of the United States; or who assaults, strikes, wounds, imprisons, or in any other manner offers violence to the person of a public minister, in violation of the law of nations, shall be imprisoned for not more than three years, and fined, at the discretion of the court. Title 47. Penalty for violating safe conduct or assaulting public minister.

Process against ministers and their domestics void.

SEC. 4063. Whenever any writ or process is sued out or prosecuted by any person in any court of the United States, or of a State, or by any judge or justice, whereby the person of any public minister of any foreign prince or state, authorized and received as such by the President, or any domestic or domestic servant of any such minister, is arrested or imprisoned, or his goods or chattels are distrained, seized, or attached, such writ or process shall be deemed void. [See § 687, SUPREME COURT.]

Penalty for suing out or executing such process.

SEC. 4064. Whenever any writ or process is sued out in violation of the preceding section, every person by whom the same is obtained or prosecuted, whether as party or as attorney or solicitor, and every officer concerned in executing it, shall be deemed a violator of the laws of nations, and a disturber of the public repose, and shall be imprisoned for not more than three years, and fined at the discretion of the court.

When process may be issued against persons in service of ministers.

SEC. 4065. The two preceding sections shall not apply to any case where the person against whom the process is issued is a citizen or inhabitant of the United States, in the service of a public minister, and the process is founded upon a debt contracted before he entered upon such service; nor shall the preceding section apply to any case where the person against whom the process is issued is a domestic servant of a public minister, unless the name of the servant has, before the issuing thereof, been registered in the Department of State, and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office.

Public access to list of names of ministers' servants.

SEC. 4066. All persons shall have resort to the list of names so posted in the marshal's office, and may take copies without fee.

TESTIMONY AND WITNESSES IN FOREIGN COUNTRIES.

Sec.
4071. Taking testimony to be used in foreign countries.
4072. Witness need not criminate himself.
4073. Punishment of witness for contempt.
4074. Fees and mileage of witnesses.

Title 47.

Taking testimony to be used in foreign countries.

SEC. 4071. The testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony, together with specific written interrogatories, accompanying the same, and addressed to such witness, shall have been issued from the court in which such suit is pending, on producing the same before the district judge of any district where the witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. And no witness shall be compelled to appear or to testify under this section except for the purpose of answering such interrogatories so issued and accompanying such commission or letters: *Provided*, That when counsel for all the parties attend the examination, they may consent that questions in addition to those accompanying the commission or letters rogatory may be put to the witness, unless the commission or letters rogatory exclude such additional interrogatories. The summons shall specify the time and place at which the witness is required to attend, which place shall be within one hundred miles of the place where the witness resides or shall be served with such summons.

Witness need not criminate himself.

SEC. 4072. No witness shall be required, on such examination or any other under letters rogatory, to make any disclosure or discovery which shall tend to criminate him either under the laws of the State or Territory within which such examination is had, or any other, or any foreign state.

Punishment of witness for contempt.

SEC. 4073. If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with section forty hundred and seventy-one, or if upon his appearance he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States.

Fees and mileage of witnesses.

SEC. 4074. Every witness who shall so appear and testify shall be allowed, and shall receive from the party at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States.

JUDICIAL AUTHORITY OF MINISTERS AND CONSULS.

Sec.
4083. Judicial authority of United States ministers and consuls in certain countries.
4084. Their jurisdiction of crimes.
4085. Jurisdiction in civil cases.
4086. Jurisdiction, how exercised and enforced.
4087. Arrest, trial, and sentence of criminals.
4088. Powers of consular officers in uncivilized countries.
4089. Decisions of consuls; appeal to minister.
4090. Jurisdiction of ministers in capital cases, &c.
4091. Appellate jurisdiction of ministers in certain countries.
4092. Appeals from consular courts in China and Japan.
4093. When appeal allowed to circuit court for California.
4094. Appeal from minister's decisions in civil cases.
4095. In criminal cases.
4096. Circuit court for California to hear appeals.
4097. Evidence in consular courts, how taken.
4098. Compromise, or reference of civil cases to be encouraged
4099. Certain criminal cases may be settled.
4100. Aid of civil authorities may be invoked.
4101. Punishments by fine or imprisonment.
4102. For murder, insurrection, or rebellion.
4103. Execution of criminals.
4104. Punishment of contempts.
4105. Decisions of consul sitting alone in criminal cases.
4106. Associates may be called by consuls in criminal trials.
4107. Associates in civil cases.
4108. Where jurisdiction of ministers may be exercised.
4109. Jurisdiction of minister, when appellate and when original.
4110. Responsibility of diplomatic and consular officers.
4111. Marshals of consular courts.
4112. Execution and return of process.
4117. Ministers to make regulations for consular courts.
4118. Publication of regulations.
4120. Fees for judicial services.
4121. Expenses of prisoners in foreign countries.
4125. Provisions of Title extended to Turkey.
4126. To Persia.
4127. To Tripoli, Tunis, Morocco, and Muscat.
4128. Judicial duties, when to devolve on Secretary of State.
4129. Provisions of Title further extended.
4130. Definition of words "minister" and "consul."

Judicial authority of United States ministers and consuls in certain countries.

SEC. 4083. To carry into full effect the provisions of the treaties of the United States with China, Japan, Siam, Egypt, and Madagascar, respectively, the minister and the consuls of the United States, duly appointed to reside in each of those countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with the judicial authority herein described, which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty.

Their jurisdiction of crimes.

SEC. 4084. The officers mentioned in the preceding section are fully empowered to arraign and try, in the manner herein provided, all citizens of the United States charged with offenses against law, committed in such countries, respectively, and to sentence such offenders in the manner herein authorized; and each of them is authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

Jurisdiction in civil cases.

SEC. 4085. Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and they shall entertain jurisdiction in matters of contract, at the port where, or nearest to which, the contract was made, or at the port at which or nearest to which, it was to be executed, and in all other matters, at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by consuls. Such jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively.

Jurisdiction, how exercised and enforced.

SEC. 4086. Jurisdiction in both criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those countries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies.

Arrest, trial, and sentence of criminals.

SEC. 4087. Each of the consuls mentioned in section forty hundred and eighty-three, at the port for which he is appointed, is authorized upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the minister, to issue his warrant for the arrest of any citizen of the United States charged of committing in the country an offense against law; and to arraign and try any such offender; and to sentence him to punishment in the manner herein prescribed.

Powers of consular officers in uncivilized countries.

SEC. 4088. The consuls and commercial agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any treaty with the United States, are authorized to try, hear, and determine all cases in regard to civil rights, whether of person or property, where the real debt or damages do not exceed the sum of one thousand dollars, exclusive of costs, and upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are now authorized and empowered where the United States have exclusive jurisdiction. They are also invested with the powers conferred by the provisions of sections forty hundred and eighty-six and forty hundred and eighty-seven for trial of offenses or misdemeanors.

Decisions of consuls; appeal to minister.

SEC. 4089. Any consul when sitting alone may also decide all cases in which the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; but in all such cases, if the fine exceeds one hundred dollars, or the term of imprisonment for misdemeanor exceeds sixty days, the defendants or any of them, if there be more than one, may take the case, by appeal, before the minister, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the minister for the prosecution of appeals in such cases.

Jurisdiction of ministers over certain offenses against foreign governments.

SEC. 4090. Capital cases for murder or insurrection against the government of either of the countries hereinbefore mentioned, by citizens of the United States, or for offenses against the public peace amounting to felony under the laws of the United States, may be tried before the minister of the United States in the country where the offense is committed if allowed jurisdiction; and every such minister may issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States, as may at the time be within his reach.

Appellate jurisdiction of ministers in certain countries.

SEC. 4091. Each of the ministers mentioned in section forty hundred and eighty-three shall, in the country to which he is appointed, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this Title, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the consuls or by himself, if asked for upon sufficient grounds.

Appeals from consular courts in China and Japan;

SEC. 4092. On any final judgment in a consular court of China or Japan, where the matter in dispute exceeds five hundred dollars and does not exceed two thousand five hundred dollars, exclusive of costs, an appeal shall be allowed to the minister in such country, as the case may be. But the appellant shall comply with the conditions established by general regulations. And the ministers are hereby authorized and required to receive, hear, and determine such appeals.

allowed to circuit court for California.

SEC. 4093. On any final judgment in any consular court of China or Japan, where the matter in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars, an appeal shall be allowed to the circuit court for the district of California, and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings in the cause shall be transmitted to the circuit court, and no new evidence shall be received on the hearing of the appeal; and the appeal shall be subject to the rules, regulations, and restrictions prescribed in law for writs of error from district courts to circuit courts.

Appeal from ministers' decisions in civil cases;

SEC. 4094. On any final judgment of the minister to China, or to Japan, given in the exercise of original jurisdiction, where the matter in dispute, exclusive of costs, exceeds two thousand five hundred dollars, an appeal shall be allowed to the circuit court, as provided in the preceding section.

in criminal cases.

SEC. 4095. When any final judgment of the minister to China, or to Japan, is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California; but such appeal shall not operate as a stay of proceedings, unless the minister certifies that there is probable cause to grant the same, when the stay shall be such as the interests of justice may require.

[Sec. 4096 gives circuit court of California authority to hear appeals.]

Evidence in consular courts, how taken.

SEC. 4097. In all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case.

Compromise or reference of civil cases, to be encouraged.

SEC. 4098. It shall be the duty of the ministers and the consuls in the countries mentioned in section forty hundred and eighty-three, to encourage the settlement of controversies of a civil character, by mutual agreement, or to submit them to the decision of referees agreed upon by the parties; and the minister in each country shall prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the consul. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to decide the matter. If either party refuses or neglects to appear, the referees may proceed ex parte. After hearing any case such referees may deliver their award, sealed, to the consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof. The parties, however, may always settle the same before return thereof is made to the consul.

Certain criminal cases may be settled.

SEC. 4099. In all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the minister in the country, or consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

Aid of local authorities may be invoked.

SEC. 4100. The ministers and consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by treaty, and on their part to do and perform whatever is necessary to carry the provisions of the treaties into full effect, so far as they are to be executed in the countries, respectively.

Punishments by fine or imprisonment.

SEC. 4101. In all cases, except as herein otherwise provided, the punishment of crime provided for by this Title shall be by fine or imprisonment, or both, at the discretion of the officer who decides the case, but subject to the regulations herein contained, and such as may hereafter be made. It shall, however, be the duty of such officer to award punishment according to the magnitude and aggravation of the offense. Every person who refuses or neglects to comply with the sentence passed upon him shall stand committed until he does comply, or is discharged by order of the consul, with the consent of the minister in the country.

For murder, insurrection, or rebellion.

SEC. 4102. Insurrection or rebellion against the government of either of those countries, with intent to subvert the same, and murder, shall be capital offenses, punishable with death; but no person shall be convicted of either of those crimes, unless the consul and his associates in the trial all concur in opinion, and the minister also approves of the conviction. But it shall be lawful to convict one put upon trial for either of these crimes, of a less offense of a similar character, if the evidence justifies it, and to punish, as for other offenses, by fine or imprisonment, or both.

Execution of criminals.

SEC. 4103. Whenever any person is convicted of either of the crimes punishable with death, in either of those countries, it shall be the duty of the minister to issue his warrant for the execution of the convict, appointing the time, place, and manner; but if the minister is satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigating circumstances which authorize it, he may submit the case to the President for pardon.

Punishment of contempts.

SEC. 4104. No fine imposed by a consul for a contempt committed in presence of the court, or for failing to obey a summons from the same, shall exceed fifty dollars; nor shall the imprisonment exceed twenty-four hours for the same contempt.

Decisions of consuls sitting alone in criminal cases.

SEC. 4105. Any consul, when sitting alone for the trial of offenses or misdemeanors, shall decide finally all cases where the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days.

Associates may be called by consul in criminal trials.

SEC. 4106. Whenever, in any case, the consul is of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he is of opinion that severer punishments than those specified in the preceding sections will be required, he shall summon, to sit with him on the trial, one or more citizens of the United States, not exceeding four, and in capital cases not less than four, who shall be taken by lot from a list which had previously been submitted to and approved by the minister, and shall be persons of good repute and competent for the duty. Every such associate shall enter upon the record his judgment and opinion, and shall sign the same; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the decision shall, in all cases, except of capital offenses and except as provided in the preceding section, be final. If any of the associates differ in opinion from the consul, the case, without further proceedings, together with the evidence and opinions, shall be referred to the minister for his adjudication, either by entering up judgment therein, or by remitting the same to the consul with instructions how to proceed therewith.

Associates in civil cases.

SEC. 4107. Each of the consuls mentioned in section four thousand and eighty-three shall have at the port for which he is appointed, jurisdiction as herein provided, in all civil cases arising under such treaties, respectively, wherein the damages demanded do not exceed the sum of five hundred dollars; and, if he sees fit to decide the same without aid, his decision thereon shall be final. But whenever he is of opinion that any such case involves legal perplexities, and that assistance will be useful to him, or whenever the damages demanded exceed five hundred dollars, he shall summon, to sit with him on the hearing of the case, not less than two nor more than three citizens of the United States, if such are residing at the port, who shall be taken from a list which had previously been submitted to and approved by the minister, and shall be of good repute and competent for the duty. Every such associate shall note upon the record his opinion, and also, in case he dissents from the consul, such reasons therefor as he thinks proper to assign; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the judgment shall be final. If any of the associates differ in opinion from the consul, either party may appeal to the minister under such regulations as may exist; but if no appeal is lawfully claimed, the decision of the consul shall be final.

Where jurisdiction of ministers may be exercised.

SEC. 4108. The jurisdiction allowed by treaty to the ministers, respectively, in the countries named in section four thousand and eighty-three shall be exercised by them in those countries, respectively, wherever they may be.

Jurisdiction of minister, when appellate and when original.

SEC. 4109. The jurisdiction of such ministers in all matters of civil redress, or of crimes, except in capital cases for murder or insurrection against the governments of such countries, respectively, or for offenses against the public peace amounting to felony under the laws of the United States, shall be appellate only: *Provided*, That in cases where a consular officer is interested, either as party or witness, such minister shall have original jurisdiction.

Responsibility of diplomatic and consular officers.

SEC. 4110. All such officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as diplomatic or consular officers, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

Marshals of consular courts.

SEC. 4111. The President is authorized to appoint marshals for such of the consular courts in those countries as he may think proper, not to exceed seven in number, namely: one in Japan, four in China, one in Siam, and one in Turkey, each of whom shall receive a salary of one thousand dollars a year, in addition to the fees allowed by the regulations of the ministers, respectively, in those countries.

Execution and return of process.

SEC. 4112. It shall be the duty of the marshals, respectively, to execute all process issued by the minister of the United States in those

countries, respectively, or by the consul at the port at which they reside, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed by the ministers, respectively, in regard to their duties.

[Intervening sections relate to marshals, bonds, &c.]

Ministers to make regulations of consular courts.

SEC. 4117. In order to organize and carry into effect the system of jurisprudence demanded by such treaties, respectively, the ministers, with the advice of the several consuls in each of the countries, respectively, or of so many of them as can be conveniently assembled, shall prescribe the forms of all processes to be issued by any of the consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services; the manner in which all officers and agents to execute process, and to carry this Title into effect, shall be appointed and compensated; the form of bail-bonds, and the security which shall be required of the party who appeals from the decision of a consul; and shall make all such further decrees and regulations from time to time, under the provisions of this Title, as the exigency may demand.

Publication of regulations.

SEC. 4118. All such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as hereinbefore provided, for the advice of the consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, and such consul shall signify his assent or dissent in writing, with his name subscribed thereto. After taking such advice, and considering the same, the minister in each of those countries may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereto named in the act.

Fees for judicial services.

SEC. 4120. It shall be the duty of the minister in each of those countries to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as the minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this Title; and regular accounts, both of receipts and expenditures, shall be kept by the minister and consuls and transmitted annually to the Secretary of State.

Expenses of prisons in foreign countries.

SEC. 4121. The President, when provision is not otherwise made, is authorized to allow, in the adjustment of the accounts of each of the ministers or consuls, the actual expenses of the rent of suitable buildings or parts of buildings to be used as prisons for American convicts in those countries, not to exceed in any case the rate of six hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of eight hundred dollars per annum. But no more than one prison shall be hired in Japan, four in China, one in Turkey, and one in Siam, at such port or ports as the minister, with the sanction of the President, may designate, and the entire expense of prison and prison-keepers at the consulate of Bankok, in Siam, shall not exceed the sum of one thousand dollars a year.

Provisions of Title extended to Turkey.

SEC. 4125. The provisions of this Title, so far as the same relate to crimes and offenses committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May seventh, eighteen hundred and thirty, and shall be executed in the Ottoman dominions in conformity with the provisions of the treaty, and of this Title, by the minister and the consuls appointed to reside therein, who are hereby ex-officio vested with the powers herein conferred upon the ministers and consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks, or other foreign Christian nations.

To Persia.

SEC. 4126. The provisions of this Title shall extend to Persia, in respect to all suits and disputes which may arise between citizens of the United States therein; and the minister and consuls who may be appointed to reside in Persia are hereby invested, in relation to such suits and disputes, with such powers as are by this Title conferred upon the ministers and consuls in China. All suits and disputes arising in Per

sia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred, at the place where a consul or agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the consul or agent of the United States; and it shall be the duty of the consular officer to attend the trial, in person, and see that justice is administered. All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective ministers or consuls, in accordance with such regulations as shall be mutually agreed upon by the minister of the United States for the time being, and the ministers of such foreign powers, respectively, which regulations shall from time to time be submitted to the Secretary of State.

To Tripoli, Tunis, Morocco, and Muscat.

SEC. 4127. The provisions of this Title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, and Muscat, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties, and of the provisions of this Title, by the consuls appointed by the United States to reside therein, who are hereby ex-officio invested with the powers herein delegated to the ministers and consuls of the United States appointed to reside in the countries named in section forty hundred and eighty-three, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations.

Judicial duties, when to devolve on Secretary of State.

SEC. 4128. If at any time there be no minister in either of the countries hereinbefore mentioned, the judicial duties which are imposed by this Title upon the minister shall devolve upon the Secretary of State, who is authorized and required to discharge the same.

Provisions of Title extended to other countries.

SEC. 4129. The provisions of this Title relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases in the countries therein named, shall extend to any country of like character with which the United States may hereafter enter into treaty relations.

Definition of words "minister" and "consul."

SEC. 4130. The word "minister," when used in this Title, shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of consul-general, consul, or vice-consul.

FRAUD, FORGERY, THEFT, &c.

Sec.
183. Clerks investigating frauds may administer oath.
5394. Stealing process, &c.
5418. Forging, &c., bid, public record, &c.
5421. Forging deed, power of attorney, &c.
5422. Having forged papers in possession.
5435. False personation.
5436. False demand on fraudulent power of attorney.
5438. Making or presenting false claims.
5439. Embezzling arms, stores, &c.
5440. All parties to a conspiracy equally guilty.
5441. Delaying or defrauding captor or claimant, &c., of prize-property.
5456. Robbery or larceny of personal property of the United States.
5479. Counterfeiting or forging bids, bonds, &c.
—— Larcenies and stolen goods.

Title 4.

Oaths, when administered by officers, &c.

SEC. 183. Any officer or clerk of any of the Departments lawfully detailed to investigate frauds or attempts to defraud on the Government, or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

Title 70, Chap. 4.

Stealing or altering process, procuring false bail, &c.

SEC. 5394. Every person who feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed, made void, or does not take effect, and every person who acknowledges, or procures to be acknowledged, in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same, shall be fined not more than five thousand dollars or be imprisoned at hard labor not more than seven years; but this provision shall not extend to the acknowledgment of any judgment by an attorney, duly admitted for any person against whom any such judgment is had or given.

Forging, &c., bid, public record, &c.

SEC. 5418. Every person who falsely makes, alters, forges, or counterfeits any bid, proposal, guarantee, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, or utters or publishes as true any such false, forged, altered, or counterfeited bid, proposal, guarantee, official bond, public record, affidavit, or other writing, for such purpose, knowing the same to be false, forged, altered, or counterfeited, or transmits to or presents at the office of any officer of the United States any such false, forged, altered, or counterfeited bid, proposal, guarantee, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for such purpose, shall be imprisoned at hard labor for a period not more than ten years, or be fined not more than one thousand dollars, or be punished by both such fine and imprisonment. [See § 5479.]

Forging deed, power of attorney, &c.

SEC. 5421. Every person who falsely makes, alters, forges, or counterfeits; or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids or assists in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or who utters or publishes as true, or causes to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or who transmits to, or presents at, or causes or procures to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be imprisoned at hard labor for a period of not less than one year nor more than ten years; or shall be imprisoned not more than five years, and fined not more than one thousand dollars.

Having forged papers in possession.

SEC. 5422. Every person who, knowingly and with intent to defraud the United States, has in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of enabling another to obtain from the United States, or any of their officers or agents, any sum of money, shall be fined and imprisoned at the discretion of the court.

False personation of holder of public stocks.

SEC. 5435. Every person who falsely personates any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize-money, wages, or other debt due from the United States, and, under color of such false personation, transfers or endeavors to transfer such public stock or any part thereof, or receives or endeavors to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize-money, wages, or other debt, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

False demand on fraudulent power of attorney.

SEC. 5436. Every person who knowingly or fraudulently demands or endeavors to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize-money, wages, or other debt due from the United States, or any part thereof, received or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

Making or presenting false claims.

SEC. 5438. Every person who makes or causes to be made, or presents or causes to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United

States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, every person so offending in any of the matters set forth in this section shall be imprisoned at hard labor for not less than one nor more than five years, or fined not less than one thousand nor more than five thousand dollars. [See §§ 3490, 3491, under CLAIMS.]

Embezzling arms, stores, &c.

SEC. 5439. Every person who steals or embezzles, or knowingly applies to his own use, or who unlawfully sells, conveys, or disposes of, any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service, shall be punished as prescribed in the preceding section.

All parties to a conspiracy equally guilty.

SEC. 5440. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than one thousand dollars and not more than ten thousand dollars, and to imprisonment not more than two years.

Delaying or defrauding captor or claimant, &c., of prize-property.

SEC. 5441. Every person who willfully does any act or aids or advises in the doing of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment not more than five years, or both. [See §§ 4613–4652, PRIZE.]

Robbery or larceny of personal property of the United States.

SEC. 5456. Every person who robs another of any kind or description of personal property belonging to the United States, or feloniously takes and carries away the same, shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not less than one nor more than ten years, or by both such fine and imprisonment.

Counterfeiting bid, bond, &c.

SEC. 5479. If any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause to procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment at hard labor for not more than ten years, or by both such punishments. [See § 5418.]

An act to punish certain larcenies, and the receivers of stolen goods.

March 3, 1875.

Embezzling, stealing, &c., from United States deemed felony; penalty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or both, at the discretion of the court before which he shall be convicted.

Knowingly receiving, concealing, &c., stolen, &c., property of the United States; penalty.

SEC. 2. That if any person shall receive, conceal, or aid in concealing, or have, or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined from the United States by any other person, knowing the same to have been so embezzled, stolen, or purloined, such person shall, on conviction before the circuit or district court of the United States in the district wherein he may have such property, be punished by a fine not exceeding five thousand dollars, or imprisonment at hard labor in the penitentiary not exceeding five years, one or both, at the discretion of the court before which he shall be convicted; and such receiver may be tried either before or after the conviction of the principal felon, but if the party has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver that the property of the United States therein described has been embezzled, stolen, or purloined.

May be tried before or after conviction of principal.

Approved, March 3, 1875.

FREEDMEN.

Sec.
2032. Certain acts continued in force.
2033. Such laws to be enforced by Secretary of War.
2034. Accounts for expenditures, &c., to be paid from what fund, and how.
2035. Secretary of War appointed trustee of a retained bounty fund, &c.
2036. May invest the fund, and for what purpose.
2037. Who to be deemed wife and children of colored soldiers.
2038. Freedmen's Hospital in District of Columbia, continued, &c.
—— Transfer from War to Interior Department.

Title 27.

Certain acts continued in force.

SEC. 2032. All laws and parts of laws pertaining to the collection and payment of bounty, prize-money, and other legitimate claims of colored soldiers, sailors, and marines, or their heirs, shall remain in force until otherwise ordered by Congress.

Such laws to be enforced by Secretary of War.

SEC. 2033. The Secretary of War is authorized to carry into effect all laws and parts of laws referred to in the preceding section, and to this end he may employ such clerical force as he deems necessary.

Accounts for expenditures, &c., to be paid from what fund, and how.

SEC. 2034. Where accounts have been rendered for necessary expenditures incurred for refugees or freedmen, under the sanction of the proper officers, but which cannot be settled for want of specific appropriations, the same may be paid out of the fund for the relief of refugees and freedmen, on the approval of the Secretary War.

Secretary of War appointed trustee of a retained bounty fund, &c.

SEC. 2035. The Secretary of War is constituted the lawful custodian of a retained bounty fund, which has been derived from a portion of the State bounties of certain colored soldiers enlisted in Virginia and North Carolina, during the years 1864 and 1865, and which, by virtue of General Orders No. 90, Department of Virginia and North Carolina, was held by the Superintendent of Freedmen's Affairs, but was turned over to the Bureau upon its organization; and the Secretary of War shall hold the fund as trustee for the benefit of such colored soldiers or their legal representatives, to whom the same shall be paid upon their application or discovery.

May invest the fund, and for what purpose.

SEC. 2036. The Secretary of War is empowered to invest the fund, or any portion thereof, in bonds of the United States, for the exclusive benefit of such colored soldiers or their legal representatives; but a sufficient amount of the same in cash may be retained uninvested to meet all lawful claims thereupon that will probably be presented for payment.

Who to be deemed wife and children of colored soldiers.

SEC. 2037. In determining who is the wife or child of any colored soldier, within the meaning of this Title, evidence that the soldier and the woman claimed to be his wife cohabited or associated as husband and wife, and so continued to cohabit or associate at the time of enlistment, or evidence that a form of marriage, whether such marriage was authorized or recognized by law or not, was entered into by them, and that the parties thereafter lived together as husband and wife, and so continued to live together at the time of the enlistment, shall be deemed sufficient proof of marriage; and the children born of any such marriage shall be taken to be the children embraced within the provisions of this Title, whether such marriage was or was not dissolved at the time of the enlistment.

Freedmen's Hospital in District of Columbia continued, &c.

SEC. 2038. The Freedmen's Hospital and Asylum in the District of Columbia is, until otherwise ordered by Congress, continued under the control and supervision of the Secretary of War, who shall make all estimates, pass all accounts, and be responsible to the Treasury for all expenditures; but no part of any appropriation shall be used in support of, or to pay the expenses on account of, any person hereafter to be admitted to such Hospital and Asylum, unless persons removed thither from some other Government hospital.

[From Sundry Civil Appropriation Act.]

June 23, 1874.

Provided, That after June thirtieth, eighteen hundred and seventy-four, the Freedmen's Hospital in the District of Columbia shall, until otherwise ordered by Congress, be continued under the direction of the Secretary of the Interior, who shall make all estimates and pass all accounts, and shall be accountable to the Treasury of the United States for all expenditures; and all property, including hospital and quartermaster's stores, belonging to said hospital, and now in charge of the War Department, be also transferred to the Interior Department.

To be under direction of Secretary of Interior.

Estimates and accounts.

Transfer of property.

Approved, June 23, 1874.

FUEL FOR THE PUBLIC SERVICE.

Sec. 3711. Inspection of fuel in District of Columbia; appointment of inspectors, &c.

Sec. 3712. Appointment of inspectors, &c., to be notified to accounting officers.

3713. No payment without certificates.

Title 43.

Inspection of fuel in District of Columbia.

SEC. 3711. It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made. The person so appointed shall, before entering upon the duty of inspector, weigher, and measurer, and to the satisfaction of the appointing officer, give bond, with not less than two sureties, in the penal sum of five thousand dollars, and with condition that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. The inspector, weigher, and measurer so appointed shall be entitled to receive from the venders of fuel weighed and measured by him twenty cents for each ton of coal weighed, and nine cents for each cord of wood measured by him. Each load or parcel of wood or coal weighed or measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.

Appointment of inspectors, &c.

SEC. 3712. The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section.

SEC. 3713. It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer.

FUEL FOR NAVY.

See § 3728, CONTRACTS.

FURLOUGH AND FURLOUGH-PAY.

Sec.
1442. Placing on furlough.
1557. Furlough-pay.
1593. Officers retired on furlough-pay.
1594. Transfer from furlough to retired pay.

SEC. 1442. The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy. Title 15, Chap. 2. Placing on furlough.

SEC. 1557. Officers on furlough shall receive only one-half of the pay to which they would have been entitled if on leave of absence. Title 15, Chap. 8. Furlough-pay.

SEC. 1593. Officers placed on the retired list, on furlough pay, shall receive only one-half of the pay to which they would have been entitled if on leave of absence on the active list. Officers retired on furlough-pay.

SEC. 1594. The President, by and with the advice and consent of the Senate, may transfer any officer on the retired list from the furlough to the retired-pay list. Transfer from furlough to retired pay.

GUANO ISLANDS.

Sec.
5570. Claim of United States to islands.
5571. Notice of discovery, and proofs to be furnished.
5572. Completion of proof in case of death of discoverer.
5573. Exclusive privileges of discoverer.
5574. Restrictions upon exportation.
5575. Regulation of guano trade.
5576. Criminal jurisdiction.
5577. Employment of land and naval forces.
5578. Right to abandon island.

SEC. 5570. Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States. Title 72. Claim of United States to islands.

SEC. 5571. The discoverer shall, as soon as practicable, give notice, verified by affidavit, to the Department of State, of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States; and shall furnish satisfactory evidence to the State Department that such island, rock, or key was not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States. Notice of discovery, and proofs to be furnished.

SEC. 5572. If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of the preceding section, his widow, heir, executor, or administrator, shall be entitled to the benefits of such discovery, upon complying with the provisions of this Title; but nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer heretofore recognized by the United States. Completion of proof in case of death of discoverer.

SEC. 5573. The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding eight dollars per ton for the best quality, or four dollars for every ton taken while in its native place of deposit. Exclusive privileges of discoverer.

SEC. 5574. No guano shall be taken from any such island, rock, or key, except for the use of the citizens of the United States, or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary Restrictions upon exportation.

facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this Title. This section shall, however, be suspended in relation to all persons who have complied with the provisions of this Title, for five years from and after the fourteenth day of July, eighteen hundred and seventy-two.

Regulation of guano trade.

SEC. 5575. The introduction of guano from such islands, rocks, or keys, shall be regulated as in the coasting-trade between different parts of the United States, and the same laws shall govern the vessels concerned therein.

Criminal jurisdiction.

SEC. 5576. All acts done, and offenses or crimes committed, on any such island, rock, or key, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant-ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

Employment of land and naval forces.

SEC. 5577. The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns.

Right to abandon islands.

SEC. 5578. Nothing in this Title contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same.

GUNNERS.

See WARRANT OFFICERS.

GUNPOWDER, SALTPETER, &c.

Sec.
2962. Deposit in public warehouse.
2975. Sale of, deposited in bonded warehouse.
3026. Drawback on foreign saltpeter.
3721. Purchase without advertisement.
Sec.
4288. Shipping-vessels.
4422. License to carry.
4424. Carrying contrary to law.
4475. Mode of packing.

Title 34, Chap. 7.

Deposit of merchandise at option of owner.

SEC. 2962. Any merchandise subject to duty, with the exception of perishable articles, also gunpowder, and other explosive substances, except fire-crackers, which shall have been duly entered and bonded for warehousing, in conformity with existing laws, may be deposited, at the option of the owner, importer, consignee, or agent, at his expense and risk, in any public warehouse owned or leased by the United States, or in the private warehouse of the importer, the same being used exclusively for the storage of warehoused merchandise of his own importation or to his consignment, or in a private warehouse used by the owner, occupant, or lessee, as a general warehouse for the storage of warehoused merchandise; such place of storage to be designated on the warehouse-entry at the time of entering such merchandise at the custom-house.

Sale of perishable articles.

SEC. 2975. All merchandise of a perishable nature, and all gunpowder and explosive substances, except fire-crackers, deposited in any public or private bonded warehouse, shall be sold forthwith.

Title 34, Chap. 9.

Drawback on gunpowder.

SEC. 3026. There shall be a drawback on foreign saltpeter, manufactured into gunpowder in the United States and exported therefrom, equal in amount to the duty paid on the foreign saltpeter from which it shall be manufactured, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury, and no more. The word "saltpeter" as used in this section shall be construed to mean the element of niter, so used, whether it be the nitrate of potash or the nitrate of soda. Ten per centum on the amount of drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks respectively.

Title 43.

Purchases without advertisements.

SEC. 3721. The provisions which require that supplies shall be purchased by the Secretary of the Navy from the lowest bidder, after advertisement, shall not apply to ordnance, gunpowder, or medicines, or the supplies which it may be necessary to purchase out of the United States for vessels on foreign stations. * * [See § 3721, CONTRACTS.]

Title 48, Chap. 6.

Shipping inflammable materials.

SEC. 4288. Any person shipping oil of vitriol, unslaked lime, inflammable matches, or gunpowder, in a vessel taking cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandise, to the master, mate, officer, or person in charge of the lading of the vessel, shall be liable to the United States in a penalty of one thousand dollars. But this section shall not apply to any vessel of any description whatsoever used in rivers or inland navigation.

Title 52, Chap. 1.

License by inspectors to carry gunpowder.

SEC. 4422. Upon the application of any master or owner of any steam-vessel employed in the carriage of passengers, for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight within such chest, safes, or compartments, the article of gunpowder.

Penalty for carrying passengers or gunpowder contrary to law.

SEC. 4424. Whenever any passenger is received on board any steam-vessel not having the certified copies of the certificate of approval placed and kept as required by this Title, or whenever any passenger steam-vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, and a certified copy thereof placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam-vessel shall be liable to a penalty of one hundred dollars for each offense.

Title 52, Chap. 2.

Mode of packing dangerous articles.

SEC. 4475. All gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, and all other articles of like character, when packed or put up for shipment, shall be securely packed and put up separately from each other and from all other articles; and the package, box, cask, or other vessel containing the same shall be distinctly marked on the outside, with the name or description of the article contained therein.

HABEAS CORPUS.

Sec.
751. Power of courts to issue writs of *habeas corpus*.
752. Power of judges to grant writs of *habeas corpus*.
753. Writs of *habeas corpus* when prisoner is in jail.
754. Application for the writ of *habeas corpus*.
755. Allowance and direction of the writ.
756. Time of return.
757. Form of return.
758. Body of the party to be produced.
759. Day for hearing.
760. Denial of return, counter-allegations, amendments.
761. Summary hearing; disposition of party.
762. In cases involving the law of nations, notice to be served on State attorney-general.
763. Appeals in cases of *habeas corpus* to circuit court.
764. Appeal to Supreme Court.
765. Appeals, how taken.
766. Pending proceedings in certain cases, action by State authority void.

SEC. 751. The Supreme Court and the circuit and district courts shall have power to issue writs of habeas corpus.

Title 13, Chap. 13.

Power of judges to grant writs of *habeas corpus*.

SEC. 752. The several justices and judges of the said courts, within their respective jurisdictions, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of restraint of liberty.

Writ of *habeas corpus* when prisoner is in jail.

SEC. 753. The writ of habeas corpus shall in no case extend to a prisoner in jail, unless where he is in custody under or by color of the authority of the United States, or is committed for trial before some court thereof; or is in custody for an act done or omitted in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or is in custody in violation of the Constitution or of a law or treaty of the United States; or, being a subject or citizen of a foreign state, and domiciled therein, is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations; or unless it is necessary to bring the prisoner into court to testify.

Application for the writ of *habeas corpus*.

SEC. 754. Application for a writ of habeas corpus shall be made to the court or justice, or judge authorized to issue the same, by complaint in writing, signed by the person for whose relief it is intended, setting forth the facts concerning the detention of the party restrained, in whose custody he is detained, and by virtue of what claim or authority, if known. The facts set forth in the complaint shall be verified by the oath of the person making the application.

Allowance and direction of the writ.

SEC. 755. The court, or justice, or judge to whom such application is made shall forthwith award a writ of habeas corpus, unless it appears from the petition itself that the party is not entitled thereto. The writ shall be directed to the person in whose custody the party is detained.

Time of return.

SEC. 756. Any person to whom such writ is directed shall make due return thereof within three days thereafter, unless the party be detained beyond the distance of twenty miles; and if beyond that distance and not beyond a distance of a hundred miles, within ten days; and if beyond the distance of a hundred miles, within twenty days.

Form of return.

SEC. 757. The person to whom the writ is directed shall certify to the court, or justice, or judge before whom it is returnable the true cause of the detention of such party.

Body of the party to be produced.

SEC. 758. The person making the return shall at the same time bring the body of the party before the judge who granted the writ.

Day for hearing.

SEC. 759. When the writ is returned, a day shall be set for the hearing of the cause, not exceeding five days thereafter, unless the party petitioning requests a longer time.

Denial of return, counter-allegations, amendments.

SEC. 760. The petitioner or the party imprisoned or restrained may deny any of the facts set forth in the return, or may allege any other facts that may be material in the case. Said denials or allegations shall be under oath. The return and all suggestions made against it may be amended, by leave of the court, or justice, or judge, before or after the same are filed, so that thereby the material facts may be ascertained.

Summary hearing; disposition of party.

SEC. 761. The court, or justice, or judge shall proceed in a summary way to determine the facts of the case, by hearing the testimony and arguments, and thereupon to dispose of the party as law and justice require.

In cases involving the law of nations, notice to be served on State attorney-general.

SEC. 762. When a writ of habeas corpus is issued in the case of any prisoner who, being a subject or citizen of a foreign state and domiciled therein, is committed, or confined, or in custody, by or under the authority or law of any one of the United States, or process founded thereon, on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, claimed under the commission or order or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations, notice of the said proceeding, to be prescribed by the court, or justice, or judge at the time of granting said writ, shall be served on the attorney-general or other officer prosecuting the pleas of said State, and due proof of such service shall be made to the court, or justice, or judge before the hearing.

Appeals in cases of *habeas corpus* to circuit court.

SEC. 763. From the final decision of any court, justice, or judge inferior to the circuit court, upon an application for a writ of habeas corpus or upon such writ when issued, an appeal may be taken to the circuit court for the district in which the cause is heard:

1. In the case of any person alleged to be restrained of his liberty in violation of the Constitution, or of any law or treaty of the United States.

2. In the case of any prisoner who, being a subject or citizen of a foreign state, and domiciled therein, is committed or confined, or in custody by or under the authority or law of the United States, or of any State, or process founded thereon, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof.

Appeal to Supreme Court.

SEC. 764. From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the last clause of the preceding section.

Appeals, how taken.

SEC. 765. The appeals allowed by the two preceding sections shall be taken on such terms, and under such regulations and orders, as well for the custody and appearance of the person alleged to be in prison or confined or restrained of his liberty, as for sending up to the appellate tri-

bunal a transcript of the petition, writ of habeas corpus, return thereto, and other proceedings, as may be prescribed by the Supreme Court, or, in default thereof, by the court or judge hearing the cause.

Pending proceedings in certain cases, action by State authority void.

SEC. 766. Pending the proceedings or appeal in the cases mentioned in the three preceding sections, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned or confined or restrained of his liberty, in any State court, or by or under the authority of any State, for any matter so heard and determined, or in process of being heard and determined, under such writ of habeas corpus, shall be deemed null and void.

HAZING.

CHAP. 453.—An act to prevent hazing at the Naval Academy.

June 23, 1874.

Hazing at Naval Academy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases when it shall come to the knowledge of the superintendent of the Naval Academy, at Annapolis, that any cadet-midshipman or cadet-engineer has been guilty of the offense commonly known as hazing, it shall be the duty of said superintendent to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any cadet-midshipman or cadet engineer found guilty of said offense by said court shall, upon recommendation of said court be dismissed; and such finding, when approved by said superintendent, shall be final; and the cadet so dismissed from said Naval Academy shall be forever ineligible to re-appointment to said Naval Academy.

Offenders to be court-martialed.

Cadet found guilty to be dismissed.

To be forever ineligible to reappointment.

Approved, June 23, 1874.

HOLIDAYS.

AN ACT making the first day of January, the twenty-fifth day of December, the fourth day of July, and thanksgiving day, holidays within the District of Columbia.

June 28, 1870.

First January, Fourth of July, Christmas, Thanksgiving.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following days, to wit: The first day of January, commonly called New Year's day, the fourth day of July, the twenty-fifth day of December, commonly called Christmas day, and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within the District of Columbia, and shall, for all purposes of presenting for payment or acceptance for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes or other negotiable or commercial paper, be treated and considered as is the first day of the week, commonly called Sunday, and all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on either of said holidays shall be deemed as having matured on the day previous.

Approved, June 28, 1870.

HOMESTEADS.

Sec.
2289. Who may enter certain unappropriated public lands,
2290. Mode of procedure.
2291. Certificate and patent, when given and issued.
2292. When rights inure to the benefit of infant children.
2293. Persons in military or naval service, when and before whom to make affidavit.
2296. Homestead lands not to be subject to prior debts.
2297. When lands entered for homesteads revert to Government.
2298. Limitation of amount entered for homestead.
2300. What minors may have the privileges of this chapter.
2301. Payment before expiration of five years, rights of applicant.
2302. No distinction on account of race or color, &c.
2303. What lands disposed of only as homesteads.
2304. Soldiers' and sailors' homestead.
2305. Deduction of military and naval service from time, &c.
2306. Persons who have entered less than 160 acres, rights of.
2307. Widows and minor children of persons entitled to homestead, &c.
2308. Actual service in the Army or Navy equivalent to residence, &c.
2309. Who may enter by agent.
2317. Cultivation of trees on homestead tracts.

Title 32, Chap. 5.

Who may enter certain unappropriated lands.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such per-

son may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Mode of procedure.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Certificate and patent, when given and issued.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight,* and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

When rights inure to the benefit of infant children.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office-fees and sum of money above specified.

Persons in military or naval service, when and before whom to make affidavit.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

Homestead lands not to be subject to prior debts.

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

When lands entered for homestead revert to Government.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more

* Transferred for church, cemetery, or school purposes, or for right of way of railroads.

than six months at any time, then and in that event the land so entered shall revert to the Government.

Limitation of amount entered for homestead.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

What minors may have the privileges of this chapter.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

Payment before expiration of five years; rights of applicant.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section twenty-two hundred and eighty-nine, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

No distinction on account of race or color, &c.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

What lands disposed of only as homesteads.

SEC. 2303. All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.

Soldiers' and sailors' homestead.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

Deduction of military and naval service from time, &c.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

Persons who have entered less than 160 acres, rights of.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

Widow and minor children of persons entitled to homestead, &c.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section twenty-three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvements therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

Actual service in the Army or Navy equivalent to residence, &c.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his

services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

Who may enter by agent.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

Cultivation of trees on homestead tracts.

SEC. 2317. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

HYDROGRAPHIC OFFICE.

Sec.
431. Establishment of office.
432. Maps, charts, &c.
433. Money received from sale.
3686. Foreign hydrographic surveys.

Title 10.

Hydrographic Office.

SEC. 431. There shall be a Hydrographic Office attached to the Bureau of Navigation in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions for the use of all vessels of the United States, and for the benefit and use of navigators generally.

Maps, charts, &c.

SEC. 432. The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe.

Money received from sales of maps, charts, &c.

SEC. 433. All moneys which may be received from the sale of maps, charts, and nautical books shall be returned by the Secretary of the Navy into the Treasury of the United States, to be used in the further preparation and publication of maps, charts, navigators, sailing directions, and instructions for the use of seamen, to be sold at the rates as set forth in the preceding section.

Title 41.

Foreign hydrographic surveys.

SEC. 3686. All appropriations made for the preparation or publication of foreign hydrographic surveys shall only be applicable to their object upon the approval by the Secretary of the Navy, after a report from three competent naval officers, to the effect that the original data for proposed charts are such as to justify their publication; and it is hereby made the duty of the Secretary of the Navy to order a board of three naval officers to examine and report upon the data, before he shall approve of any application of money to the preparation or publication of such charts or hydrographic surveys.

IMMIGRATION.

Sec.
2158. Cooly-trade prohibited.
2159. Vessels employed in cooly-trade shall be forfeited.
2160. Building vessels to engage in cooly-trade, how punished.
2161. Punishment for violation of section 2158.
2162. This Title not to interfere with voluntary emigration.
2163. Examination of vessels.
2164. No charge upon particular persons immigrating, &c.
—— Supplementary act.

Title 29.

Cooly-trade prohibited.

SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

Vessels employed in cooly-trade shall be forfeited.

SEC. 2159. If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "cooly-trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the vessel may be found, seized, or carried.

Building vessels to engage in cooly-trade, how punished.

SEC. 2160. Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be employed in that trade, contrary to the provisions of section twenty-one hundred and fifty-eight, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.

Punishment for violation of section 2158.

SEC. 2161. Every citizen of the United States who, contrary to the provisions of section twenty-one hundred and fifty-eight, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.

This Title not to interfere with voluntary emigration.

SEC. 2162. Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section twenty-one hundred and fifty-eight, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained.

Examination of vessels.

SEC. 2163. The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws thereof, whenever, in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies;" and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law.

No charge upon particular persons immigrating, &c.

SEC. 2164. No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country.

CHAP. 141.—An act supplementary to the acts in relation to immigration.

March 3, 1875.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States, is free and voluntary, as provided by section two thousand one hundred and sixty-two of the Revised Code, title "Immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States, for lewd and immoral purposes; and if there be such contract or agreement, the said consul-general or consul shall not deliver the required permit or certificate.

Inquiry by consular officer as to contract of immigrant from China or Japan for service for immoral purposes.

Conditions of certificate.

R. S., 2162, p. 378.

SEC. 2. That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

Citizen of United States transporting subject of China or Japan without free consent.

Penalty.

Contract for service void.

SEC. 3. That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars.

Importation of women for purposes of prostitution.

Contract void.

Penalty.

SEC. 4. That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of any cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes, or of any other section of the laws prohibiting the cooly-trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year.

Contracting to supply labor of cooly in violation of section 2158 Revised Statutes.

Penalty.

SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution." Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section, be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel

Immigration of alien convicts, and of women for purposes of prostitution, forbidden.

Inspection of vessels.

Certificate of inspector.

When inspection required, alien not to land until, &c.

Alien of forbidden classes not to land, except, &c.

aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector shall be found to be in accordance with this section and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignee of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law.

Hearing of inspector's charge.

Bond of master or owner, &c., of vessels, for return of forbidden immigrants.

Return of forbidden immigrant by collector in certain cases.

Forfeiture of vessel for violations of this act.

IMPORTATIONS, &C.

Sec.
1624. Importing in public vessels.
2491. Prohibition upon importation of obscene articles.
2492. Mode of proceeding.
2511. As to machinery imported for repair.
2512. Certain paintings, statuary, &c., to be admitted free of duty.
2513. Importation of materials for construction, &c., of vessels.
2791. Public vessels need not enter.

SEC. 1624, Art. 12. No person connected with the Navy shall, under any pretense, import in a public vessel any article which is liable to the payment of duty.

Title 15, Chap. 10.

Importing in public vessels. Title 33.

SEC. 2491. All persons are prohibited from importing into the United States, from any foreign country, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion. No invoice or package whatever, or any part of one, in which any such articles are contained shall be admitted to entry; and all invoices and packages whereof any such articles shall compose a part are liable to be proceeded against, seized, and forfeited by due course of law. All such prohibited articles in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as prescribed in the following section: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section. [See § 1785, R. S.*]

Prohibition upon importation of obscene articles.

SEC. 2492. Any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of the preceding section is made, to the satisfaction of such judge, and founded on knowledge or belief, and, if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal, or any deputy marshal, in the proper district, directing him to search for, seize, and take possession of any such article or thing hereinbefore mentioned, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in case of municipal seizure, and with the same right of appeal or writ of error.

Mode of proceeding.

SEC. 2511. Machinery for repair may be imported into the United States without payment of duty, under bond, to be given in double the appraised value thereof, to be withdrawn and exported after said ma-

As to machinery imported for repair.

* Officers, agents, or employés of the Government aiding or abetting any one in such importations may be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment at hard labor for not less than one year nor more than ten, or both.

chinery shall have been repaired; and the Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity and character of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

Certain paintings, statuary, &c., to be admitted free of duty.

SEC. 2512. All paintings, statuary, and photographic pictures imported into the United States for exhibition by any association duly authorized under the laws of the United States or any State for the promotion and encouragement of science, art, or industry, and not intended for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe. But bonds shall be given for the payment to the United States of such duties as are now imposed by law upon any and all of such articles as shall not be re-exported within six months after such importation.

Importation of materials for construction, &c., of vessels.

SEC. 2513. All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and finished after the sixth day of June, eighteen hundred and seventy-two, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and, upon proof that such materials have been used for such purpose, no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed.

Title 34, Chap. 4.

Public vessels need not enter.

SEC. 2791. It shall not be necessary for the master of any vessel of war, or of any vessel employed by any prince, or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state to be employed in the transportation of merchandise, in the way of trade, to make report and entry. [See § 1624, Art. 12.]

INSANE OF THE NAVY.

Sec.
1551. Authority of the Secretary of the Navy, &c.
4838. Establishment of the Government Hospital for the Insane.
4839. The superintendent.
4843. Admission of insane persons of the Army, Navy, &c.
4844. Admission of indigent insane.
4845. Order of admission.
4846. Certificate of judge, &c.
4847. Application by visitor.
4848. Conveyance to hospital.
4849. Admission of insane persons having property.
4850. Admission of non-residents of District.
4851. Admission of insane persons accused of crime.
4852. Insane convicts.
4853. Private patients.
4854. Admission of pay patients.
4855. Insane criminals restored to sanity.
4856. Discharge of patients under bond.

Title 15, Chap. 7.

Insane of the Navy.

SEC. 1551. The Secretary of the Navy may cause persons in the naval service or Marine Corps, who become insane while in the service, to be placed in such hospital for the insane as, in his opinion, will be most convenient and best calculated to promise a restoration of reason. And he may pay to any such hospital, other than the Government Hospital for the Insane in the District of Columbia, the pay which may from time to time be due to such insane person, and he may, in addition thereto, pay to such institution, from the annual appropriation for the naval service, under the head of contingent enumerated, any deficiency of a reasonable expense, not exceeding one hundred dollars per annum.

Title 59, Chap. 4.

Government Hospital for the Insane.

SEC. 4838. There shall be in the District of Columbia a Government Hospital for the Insane, and its objects shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia.

The superintendent.

SEC. 4839. The chief executive officer of the Hospital for the Insane shall be a superintendent, who shall be appointed by the Secretary of the Interior, and shall be entitled to a salary of two thousand five hundred dollars a year, and shall give bond for the faithful performance of his duties, in such sum and with such securities as may be required by

the Secretary of the Interior. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the visitors, engage and discharge all needful and usual employés in the care of the insane, and all laborers on the farm, and determine their wages and duties; he shall be the responsible disbursing agent of the institution, and shall be ex-officio secretary of the board of visitors.

Admission of insane persons of the Army, Navy, Marine Corps, &c.

SEC. 4843. The superintendent, upon the order of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Treasury, respectively, shall receive, and keep in custody until they are cured, or removed by the same authority which ordered their reception, insane persons of the following descriptions:

First. Insane persons belonging to the Army, Navy, Marine Corps, and revenue-cutter service.

Second. Civilians employed in the Quartermaster's and Subsistence Departments of the Army who may be, or may hereafter become, insane while in such employment.

Third. Men who, while in the service of the United States, in the Army, Navy, or Marine Corps, have been admitted to the hospital, and have been thereafter discharged from it on the supposition that they have recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge, and have no adequate means of support.

Fourth. Indigent insane persons who have been in either of the said services and been discharged therefrom on account of disability arising from such insanity.

Fifth. Indigent insane persons who have become insane within three years after their discharge from such service, from causes which arose during and were produced by said service.

Admission of the indigent insane of the District of Columbia.

SEC. 4844. All indigent insane persons residing in the District of Columbia at the time they became insane shall be entitled to the benefits of the Hospital for the Insane and shall be admitted on the authority of the Secretary of the Interior, which he may grant after due process of law showing the person to be insane and unable to support himself and family, or himself, if he has no family, under the visitation of insanity.

Order of admission.

SEC. 4845. The Secretary of the Interior may grant an order for the admission into the hospital of any insane person not charged with a breach of the peace, when he shall receive the certificate, as provided in the next section, of any judge of the supreme court for the District of Columbia, or of any justice of the peace of the District, and an application in writing, as provided in the next section, by a member of the board of visitors, requesting that such order may be issued.

Certificate of judge or justice.

SEC. 4846. It must appear by the certificate aforesaid that two respectable physicians, residents of the District, appeared before said judge or justice and deposed, in writing sworn to and subscribed by them, that they knew the person alleged to be insane; that, from personal examination, they believed such person to be in fact insane, and a fit subject for treatment in said hospital, and that said person was a resident of the District at the time he or she was seized with the mental disorder under which he or she then labored. And it must further appear by such certificate that two respectable householders, resident of the District, appeared before said judge or justice and deposed, in writing sworn to and subscribed by them, that they knew the person alleged to be insane, and that, from a personal examination of his or her affairs, they believed said person to be unable, under the visitation of insanity, to support himself, or herself, and family, in case such person have a family, or to support himself or herself alone, in case such person have no family, and unable to pay his or her board and other expenses in the hospital. The affidavits of said physicians and householders shall accompany the certificate of said judge or justice of the peace.

Application by visitor.

SEC. 4847. The application by a member of the board of visitors must be made within five days after the date of the affidavits aforesaid, and it must appear therein that the visitor made the application after an inspection of the affidavits and certificate. It shall be the duty of such visitor to withhold his application, if he has reason to doubt the indigence of the party in whose behalf the application is desired, until his doubt is removed by satisfactory testimony.

Conveyance to hospital.

SEC. 4848. The order of the Secretary of the Interior, granted upon the certificate of a judge or justice and the application of a member of the board of visitors, shall authorize any police officer or constable to assist in carrying such indigent insane person to the hospital, whenever such assistance is represented to be necessary by the person holding the order; but all the expenses of witnesses before the judge or justice of the peace, and of carrying such patient to the hospital, shall be borne by his friends, or by the local authorities of the District.

Admission of insane persons having property.

SEC. 4849. Whenever it appears in the case of any insane person whose insanity commenced while he was a resident of the District of Columbia that he is able to defray a portion but not the whole of the expenses of his support and treatment in the Government Hospital for the Insane, the board of visitors of the hospital is authorized to inquire into the facts of the case; and if it appears to the board, upon such inquiry, that such insane person has property and no family, or has more property than is required for the support of his family, then, as a condition upon which such insane person, admitted or to be admitted upon the order of the Secretary of the Interior, shall receive or continue to receive the benefits of the hospital, there shall be paid to the superintendent from the income, property, or estate of such insane person such portion of his expenses in the hospital as a majority of the board shall determine to be just and reasonable, under all the circumstances.

Admission of non-residents of District.

SEC. 4850. Any indigent insane person who did not reside in the District at the time he became insane may, in like manner, upon the certificate of a judge or justice and the application of a member of the board of visitors, be admitted into the hospital upon the application of the governor of the District, and at the expense of the District during the continuance of such insane person therein, it being hereby designed to give the superintendent thereof authority to take charge of such insane person until the governor can discover who his friends are, or whence he came, with a view to the return of such person to such friends, or to the place of his residence, and thus relieve the District of the expense and charge of such indigent insane non-resident.

Admission of insane persons accused of crime.

SEC. 4851. If any person charged with crime be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in the Hospital for the Insane, and if he be not indigent, he and his estate shall be charged with expenses of his support in the hospital.

Insane convicts.

SEC. 4852. Any person becoming insane during the continuance of his sentence in the United States penitentiary shall have the same privilege of treatment in the hospital during the continuance of his mental disorder as is granted in the preceding section to persons who escape the consequences of criminal acts by reason of insanity, unless it be the opinion, both of the physician to the penitentiary and the superintendent of the hospital, that such insane convict is so depraved and furious in his character as to render his custody in the hospital insecure, and his example pernicious.

Private patients.

SEC. 4853. Whenever there are vacancies, private patients from the District may be received at a rate of board to be determined by the visitors, to be in no case less than the actual cost of their support.

Admission of pay patients.

SEC. 4854. The independent or pay patients may be received into the hospital for the insane on the certificate of two respectable physicians of the District, stating that they have personally examined the patient, and believe him to be insane at the time of giving the certificate, and a fit subject for treatment in the institution, accompanied by a written request for the admission from the nearest relatives, legal guardian, or friend of the patient, where he may remain until restored to reason. The friends of the patient shall comply with the regulations of the hospital in respect to payment of board, and in all other respects. The request for admission must be made within five days of the date of the certificate of insanity.

Delivery of insane criminals restored to sanity.

SEC. 4855. When any person confined in the Hospital for the Insane charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judge of the criminal court, and deliver him to the court in obedience to the proper precept.

Discharge of patients upon bond.

SEC. 4856. If any person will give bond with sufficient security, to be approved by the supreme court of the District of Columbia, or by any

judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may deliver such insane person to the party giving such bond. *

INSURRECTION—CONSPIRACY.

Sec.
5297. Insurrection against a State government.
5298. Insurrection against the Government of the United States.
5299. Power to suppress insurrection in violation of civil rights.
5300. Proclamation to insurgents to disperse.
5301. Suspension of commercial intercourse.
5302. In loyal States.
5303 To whom prohibition shall extend.
5304. Commercial intercourse; to what extent permitted.
5305. Appointment and compensation of officers.
5306. Trading without license, &c.
5307. Investigations to detect frauds.
5308. Confiscation of property employed in aid of insurrection.
5309. Proceedings, where had.
5310. Property taken on inland waters.
5311. How proceedings shall be instituted.
5312. Prohibition upon transportation of goods to aid insurrection.
5313. Prohibition upon trade in captured or abandoned property.
5319. Forfeiture of vessels belonging to citizens of insurrectionary States.
5320. Refusal of clearance to vessels laden with suspected merchandise.
5321. Bond upon clearance.
5322. Liens upon condemned vessels.
5406. Conspiring to intimidate witnesses, &c.
5407. Conspiracy to defeat the enforcement of the laws.
5440. All parties to a conspiracy equally guilty.
5518. Conspiracy to prevent holding office.
5519. Conspiracy to deprive any person of equal protection of the laws.

Title 69.

Insurrection against a State government.

SEC. 5297. In case of an insurrection in any State, against the government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature cannot be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary.

Insurrection against the Government of the United States.

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

Power to suppress insurrection in violation of civil rights.

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

Proclamation to insurgents to disperse.

SEC. 5300. Whenever, in the judgment of the President, it becomes necessary to use the military forces under this Title, the President shall forthwith by proclamation, command the insurgents to disperse and retire peaceably to their respective abodes, within a limited time.

*An act approved March 3, 1875, provides for the admission into the Government Hospital for the Insane, on the order of the Secretary of the Treasury, of insane persons of the merchant marine, at a cost not exceeding four dollars and fifty cents a week, to be paid out of the marine hospital fund.

An act approved June 23, 1874, provides for the custody of persons convicted in the courts of the United States, who have or may become insane while imprisoned.

Suspension of commercial intercourse.

SEC. 5301. Whenever the President, in pursuance of the provisions of this Title, has called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when the insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such State or States, or whenever the inhabitants of any State or part thereof are at any time found by the President to be in insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such State, or of any section or part thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from such State or section into the other parts of the United States, or proceeding from other parts of the United States to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States.

In loyal States.

SEC. 5302. Whenever any part of a State not declared to be in insurrection is under the control of insurgents, or is in dangerous proximity to places under their control, all commercial intercourse therein and therewith shall be subject to the prohibitions and conditions of the preceding section for such time and to such extent as shall become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President.

To whom prohibition shall extend.

SEC. 5303. The provisions of this Title in relation to commercial intercourse shall apply to all commercial intercourse by and between persons residing or being within districts within the lines of national military occupation in the States or parts of States declared in insurrection, whether with each other or with persons residing or being within districts declared in insurrection and not within those lines; and all persons within the United States, not native or naturalized citizens thereof, shall be subject to the same prohibitions, in all commercial intercourse with inhabitants of States or parts of States declared in insurrection, as citizens of States not declared to be in insurrection.

Commercial intercourse, to what extent permitted.

SEC. 5304. The President may, in his discretion, license and permit commercial intercourse with any part of such State or section, the inhabitants of which are so declared in a state of insurrection, so far as may be necessary to authorize supplying the necessities of loyal persons residing in insurrectionary States, within the lines of actual occupation by the military forces of the United States, as indicated by published order of the commanding general of the department or district so occupied; and, also, so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal States any products which they shall have produced with their own labor or the labor of freedmen, or others employed and paid by them, pursuant to rules relating thereto, which may be established under proper authority. And no goods, wares, or merchandise shall be taken into a State declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon, in writing, by the commanding general of the department in which such places are situated, and an officer designated by the Secretary of the Treasury for that purpose. Such commercial intercourse shall be in such articles and for such time and by such persons as the President, in his discretion, may think most conducive to the public interest; and, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury.

Appointment and compensation of officers.

SEC. 5305. The Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules, and regulations. In all cases where officers of the customs, or other salaried officers, are appointed by him to carry into effect such licenses, rules, and regulations, such officer shall be entitled to receive one thousand dollars a year for his services, in addition to his salary or compensation under any

other law. But the aggregate compensation of any such officer shall not exceed the sum of five thousand dollars in any one year.

Trading without license, &c.

SEC. 5306. Every officer of the United States, civil, military, or naval, and every sutler, soldier, marine, or other person, who takes, or causes to be taken into a State declared to be in insurrection, or to any other point to be thence taken into such State, or who transports or sells, or otherwise disposes of therein, any goods, wares, or merchandise whatsoever, except in pursuance of license and authority of the President, as provided in this Title, or who makes any false statement or representation upon which license and authority is granted for such transportation, sale, or other disposition, or who, under any license or authority obtained, willfully and knowingly transports, sells, or otherwise disposes of any other goods, wares, or merchandise than such as are in good faith so licensed and authorized, or who willfully and knowingly transports, sells, or disposes of the same, or any portion thereof, in violation of the terms of such license or authority, or of any rule or regulation prescribed by the Secretary of the Treasury concerning the same, or who is guilty of any act of embezzlement, of willful misappropriation of public or private money or property, of keeping false accounts, or of willfully making any false returns, shall be deemed guilty of a misdemeanor, and shall be fined not more than five thousand dollars, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

Investigations to detect frauds.

SEC. 5307. It shall be the duty of the Secretary of the Treasury, from time to time, to institute such investigations as may be necessary to detect and prevent frauds and abuses in any trade or transactions which may be licensed between inhabitants of loyal States and of States in insurrection. And the agents making such investigations shall have power to compel the attendance of witnesses, and to make examinations on oath. [See § 183, FRAUDS, &C.]

Confiscation of property employed in aid of insurrection.

SEC. 5308. Whenever during any insurrection against the Government of the United States, after the President shall have declared by proclamation that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person, or his agent, attorney, or employé, purchases or acquires, sells or gives, any property of whatsoever kind or description, with intent to use or employ the same, or suffers the same to be used or employed in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person engaged therein; or being the owner of any such property, knowingly uses or employs, or consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned.

Proceedings, where had.

SEC. 5309. Such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same be seized, or into which they may be taken and proceedings first instituted.

Property taken on inland waters.

SEC. 5310. No property seized or taken upon any of the inland waters of the United States by the naval forces thereof shall be regarded as maritime prize; but all property so seized or taken shall be promptly delivered to the proper officers of the courts.

How proceedings shall be instituted.

SEC. 5311. The Attorney-General, or the attorney of the United States for any judicial district in which such property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts. [See § 629.]

SEC. 5312. The Secretary of the Treasury is authorized to prohibit and prevent the transportation in any vessel, or upon any railroad, turnpike, or other road or means of transportation within the United States, of any property, whatever may be the ostensible destination of the same, in all cases where there are satisfactory reasons to believe that such property is intended for any place in the possession or under the control of insurgents against the United States, or that there is imminent danger that such property will fall into the possession or under the control of such insurgents; and he is further authorized, in all cases where he

deems it expedient so to do, to require reasonable security to be given that property shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this section; and if any property is transported in violation of this act, or of any regulation of the Secretary of the Treasury, established in pursuance thereof, or if any attempt shall be made so to transport any, it shall be forfeited.

Prohibition upon trade in captured or abandoned property.

SEC. 5313. All persons in the military or naval service of the United States are prohibited from buying or selling, trading, or in any way dealing in captured or abandoned property, whereby they shall receive or expect any profit, benefit, or advantage to themselves, or any other person, directly or indirectly connected with them; and it shall be the duty of such person whenever such property comes into his possession or custody, or within his control, to give notice thereof to some agent, appointed by virtue of this Title, and to turn the same over to such agent without delay. Any officer of the United States, civil, military, or naval, or any sutler, soldier, or marine, or other person who shall violate any provision of this section, shall be deemed guilty of a misdemeanor, and shall be fined not more than five thousand dollars, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

Forfeiture of vessels belonging to citizens of insurrectionary States.

SEC. 5319. From and after fifteen days after the issuing of the proclamation, as provided in section fifty-three hundred and one, any vessel belonging in whole or in part to any citizen or inhabitant of such State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited.

Refusal of clearance to vessels laden with suspected merchandise.

SEC. 5320. The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise, destined for a foreign or domestic port, whenever he shall have satisfactory reason to believe that such merchandise, or any part thereof, whatever may be its ostensible destination, is intended for ports in possession or under control of insurgents against the United States; and if any vessel for which a clearance or permit has been refused by the Secretary of the Treasury, or by his order, shall depart or attempt to depart for a foreign or domestic port without being duly cleared or permitted, such vessel, with her tackle, apparel, furniture, and cargo, shall be forfeited.

Bond upon clearance.

SEC. 5321. Whenever a permit or clearance is granted for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he deems it necessary, under the circumstances of the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States.

Liens upon condemned vessels.

SEC. 5322. In all cases wherein any vessel, or other property, is condemned in any proceeding by virtue of any laws relating to insurrection or rebellion, the court rendering judgment of condemnation shall, notwithstanding such condemnation, and before awarding such vessel, or other property, or the proceeds thereof, to the United States, or to any informer, first provide for the payment, out of the proceeds of such vessel, or other property, of any bona-fide claims which shall be filed by any loyal citizen of the United States, or of any foreign state or power at peace and amity with the United States, intervening in such proceeding, and which shall be duly established by evidence as a valid claim against such vessel, or other property, under the laws of the United States or of any State thereof not declared to be in insurrection. No such claim shall be allowed in any case where the claimant has knowingly participated in the illegal use of such ship, vessel, or other property. This section shall extend to such claims only as might have been enforced specifically against such vessel, or other property, in any State not declared to be in insurrection, wherein such claim arose.

Title 70, Chap. 4.

Conspiring to intimidate party, witness, or juror.

SEC. 5406. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See §§ 1980–1981, CIVIL RIGHTS.]

Conspiracy to defeat enforcement of the laws.

SEC. 5407. If two or more persons in any State or Territory conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See §§ 1977–1991, CIVIL RIGHTS; 2004–5506–5510, ELECTIVE FRANCHISE.]

Title 70, Chap. 5.

All parties to a conspiracy equally guilty.

Ibid., s. 2.

SEC. 5440. If two or more persons conspire either to commit any offense against the United States, or defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than one thousand dollars and not more than ten thousand dollars, and to imprisonment not more than two years.

Title 70, Chap. 7.

Conspiracy to prevent accepting or holding office under United States.

SEC. 5518. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See § 5407.]

Conspiracy to deprive any person of the equal protection of the laws.

SEC. 5519. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws: or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See § 5336, TREASON.]

INTERIOR DEPARTMENT.

See DEPARTMENT OF THE INTERIOR.

INVENTORY OF PUBLIC PROPERTY.

Title 4.

Inventories of property.

SEC. 197. The Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, and Commissioner of Agriculture shall keep, in proper books, a complete inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by them, respectively, and under their

charge adding thereto, from time to time, an account of such property as may be procured subsequently to the taking of such inventory, as well as an account of the sale or other disposition of any of such property.

JUDICIARY.

DISTRICT COURTS—JURISDICTION.

Sec.
563. Jurisdiction.
564. Certain seizures cognizable in any district into which the property is taken.
565. May proceed in prize causes after appeal. [See "PRIZE."]
566. Trial of issues of fact.
573. Effect of altering terms of district courts.
574. Courts always open for admiralty purposes, &c.

Title 13. Chap. 3.

SEC. 563. The district courts shall have jurisdiction as follows:

Jurisdiction.

Crimes and offenses.

First. Of all crimes and offenses cognizable under the authority of the United States, committed within their respective districts, or upon the high seas, the punishment of which is not capital, except in the cases mentioned in section fifty-four hundred and twelve,* Title "CRIMES." [See §§ 4300–4305, R. S., OFFENSES AGAINST NAVIGATION.]

Of piracy, when.

Second. Of all cases arising under any act for the punishment of piracy, where no circuit court is held in the district of such court.

Penalties and forfeitures.

Third. Of all suits for penalties and forfeitures incurred under any law of the United States.

Suits at common law by United States or officers.

Fourth. Of all suits at common law brought by the United States, or by any officer thereof, authorized by law to sue.

Suits in equity to enforce internal-revenue taxes.

Fifth. Of all suits in equity to enforce the lien of the United States upon any real estate for any internal-revenue tax, or to subject to the payment of any such tax any real estate owned by the delinquent, or in which he has any right, title, or interest.

Suits for penalties and damages for frauds against United States.

Sixth. Of all suits for the recovery of any forfeiture or damages under section thirty-four hundred and ninety, Title "DEBTS DUE BY OR TO THE UNITED STATES;" and such suits may be tried and determined by any district court within whose jurisdictional limits the defendant may be found. [See §§ 3490–3494, DEBTS DUE BY UNITED STATES.]

Suits under postal laws.

Seventh. Of all causes of action arising under the postal laws of the United States.

Admiralty causes and seizures on land.

Eighth. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors in all cases the right of a common-law remedy, where the common law is competent to give it; and of all seizures on land and on waters not within admiralty and maritime jurisdiction. And such jurisdiction shall be exclusive, except in the particular cases where jurisdiction of such causes and seizures is given to the circuit courts; *and shall have original and exclusive cognizance of all prizes brought into the United States, except as provided in paragraph six of section six hundred and twenty-nine.*†

Condemnation of property taken as prize.

Ninth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and *seventy-six,* [eight]‡ Title "INSURRECTION."

Suits on debentures.

Tenth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties, against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. [See § 3039, R. S.]

Suits on account of injuries by conspirators in certain cases.

Eleventh. Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty-five,§ Title, "CIVIL RIGHTS." [See § 1980.]

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* Relates to fraudulently placing books, papers, &c., in surveyor-general's office in California.

† Words in *italics* added by act of February 18, 1875.

‡ The word "eight" substituted for "seventy-six" by act of February 18, 1875.

§ Sec. 1985. Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions hereof.

Twelfth. Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity secured by the Constitution of the United States, or of any right secured by any law of the United States to persons within the jurisdiction thereof. [See §§ 1977, 1979, CIVIL RIGHTS.]

Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States and secured by any law, to enforce the right of citizens of the United States to vote in all the States. [See § 2010, ELECTIVE FRANCHISE.]

Suits to recover offices.

Fourteenth. Of all proceeding by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress, or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. [See § 1786, VACANCIES IN THE DEPARTMENTS.]

Suits for removal of officers holding contrary to fourteenth amendment.

Fifteenth. Of all suits by or against any association established under any law providing for national banking associations within the district for which the court is held.

Suits against national banks.

Sixteenth. Of all suits brought by any alien for a tort only in violation of the law of nations, or of a treaty of the United States.

Suits by aliens for torts in violation of the law of nations.

Seventeenth. Of all suits against consuls or vice-consuls, except for offenses above the description aforesaid.

Suits against consuls and vice-consuls.

Eighteenth. The district courts are constituted courts of bankruptcy, and shall have in their respective districts original jurisdiction in all matters and proceedings in bankruptcy.

In bankruptcy.

SEC. 564. Proceedings on seizures for forfeiture of any vessel or cargo entering any port of entry which has been closed by the President in pursuance of law, or of goods and chattels coming from a State or section declared by proclamation of the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property, or conveying persons to or from such State or section, or of any vessel belonging, in whole or in part, to any inhabitant of such State or section, may be prosecuted in any district court into which the property so seized may be taken, and proceedings instituted; and the district court thereof shall have as full jurisdiction over such proceedings as if the seizure was made in that district. [See § 5301, INSURRECTION.]

Certain seizures cognizable in any district into which the property is taken.

SEC. 566. The trial of issues of fact in the district courts, in all causes except cases in equity and cases of admiralty and maritime jurisdiction, and except as otherwise provided in proceeding in bankruptcy, shall be by jury. In causes of admiralty and maritime jurisdiction relating to any matter of contract or tort arising upon or concerning any vessel of twenty tons burden or upward, enrolled and licensed for the coasting trade, and at the time employed in the business of commerce and navigation between places in different States and Territories upon the lakes and navigable waters connecting the lakes, the trial of issues of fact shall be by jury when either party requires it.

Trial of issues of fact.

SEC. 573. No action, suit, proceeding, or process in any district court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established next after the return-day thereof.

Effect of altering terms of district courts.

See all acts altering terms.

SEC. 574. The district courts, as courts of admiralty, and as courts of equity, so far as equity jurisdiction has been conferred upon them, shall be deemed always open, for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein.

Court always open as court of admiralty, for certain purposes.

And any district judge may, upon reasonable notice to the parties, make, and direct and award, at chambers, or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court.

JUDICIAL CIRCUITS.

Sec. 604. Circuits.

Title 13, Chap. 5.

Circuits.

SEC. 604. The judicial districts of the United States are divided into nine circuits as follows:

First. The first circuit includes the districts of Rhode Island, Massachusetts, New Hampshire, and Maine.

Second. The second circuit includes the districts of Vermont, Connecticut, and New York.

Third. The third circuit includes the districts of Pennsylvania, New Jersey, and Delaware.

Fourth. The fourth circuit includes the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth. The fifth circuit includes the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Sixth. The sixth circuit includes the districts of Ohio, Michigan, Kentucky, and Tennessee.

Seventh. The seventh circuit includes the districts of Indiana, Illinois, and Wisconsin.

Eighth. The eighth circuit includes the districts of Nebraska, Minnesota, Iowa, Missouri, Kansas, and Arkansas.

Ninth. The ninth circuit includes the districts of California, Oregon, and Nevada.

CIRCUIT COURTS—ORGANIZATION.

Sec.
605. Justice allotted to circuits, how designated.
606. Allotment of the justices to the circuits.
607. Circuit judges.
608. Circuit courts, where established.
609. Circuit courts, by whom to be held.
610. Justices of Supreme Court to attend once in every two years.
611. Judges of circuit courts may sit apart.
612. Circuit courts held at same time in different districts.
613. Criminal terms in the southern district of New York; how held.
614. When district judges may sit in cases of appeal or error to their own decisions.
615. When suits transferred from one circuit to another.
616. Cause certified back.
617. Justices may hold courts of other circuits on request.
618. When no justice is allotted to a circuit.

Title 13, Chap. 6.

Justices allotted to circuits, how designated.

SEC. 605. The words "circuit justice" and "justice of a circuit," when used in this Title, shall be understood to designate the justice of the Supreme Court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, shall be understood to include such justice.

Allotment of the justices to the circuits.

SEC. 606. The Chief Justice and associate justices of the Supreme Court shall be allotted among the circuits by an order of the court, and a new allotment shall be made whenever it becomes necessary or convenient by reason of the alteration of any circuit, or of the new appointment of a Chief Justice or associate justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it shall be made by the Chief Justice, and shall be binding until the next term and until a new allotment by the court.

Circuit judges.

SEC. 607. For each circuit there shall be appointed a circuit judge, who shall have the same power and jurisdiction therein as the justice of the Supreme Court, allotted to the circuit, and shall be entitled to receive a salary at the rate of six thousand dollars a year, payable quarterly on the first days of January, April, July, and October. Every circuit judge shall reside within his circuit.

Circuit courts, where established.

SEC. 608. Circuit courts are established as follows: One for the three districts of Alabama, one for the eastern district of Arkansas, one for the southern district of Mississippi, and one for each district in the States not herein named; and shall be called the circuit courts for the districts for which they are established.

Circuit courts; by whom to be held.

SEC. 609. Circuit courts shall be held by the circuit justice, or by the circuit judge of the circuit, or by the district judge of the district sitting alone, or by any two of the said judges sitting together.

Justices of Supreme Court to attend once in every two years.

SEC. 610. It shall be the duty of the Chief Justice, and of each justice of the Supreme Court, to attend at least one term of the circuit court in each district of the circuit to which he is allotted during every period of two years.

Judges of circuit courts may sit apart.

SEC. 611. Cases may be heard and tried by each of the judges holding a circuit court sitting apart by direction of the presiding justice or judge, who shall designate the business to be done by each.

Circuit courts held at same time in different districts.

SEC. 612. Circuit courts may be held at the same time in the different districts of the same circuit.

Criminal terms in the southern district of New York; how held.

SEC. 613. The terms of the circuit court for the southern district of New York, appointed exclusively for the trial and disposal of criminal business, may be held by the circuit judge of the second judicial circuit and the district judges for the southern and eastern districts of New York, or any one of said three judges; and at every such term held by said judge of said eastern district he shall receive the sum of three hundred dollars, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district.

When district judges may sit in cases of appeal or error to their own decisions.

SEC. 614. A district judge sitting in a circuit court shall not give a vote in any case of appeal or error from his own decision, but may assign the reasons for such decision: *Provided*, That such a cause may, by consent of parties, be heard and disposed of by him when holding a circuit court sitting alone. When he holds a circuit court with either of the other judges, the judgment or decree in such cases shall be rendered in conformity with the opinion of the presiding justice or judge.

When suits transferred from one circuit to another.

SEC. 615. When it appears in any civil suit in any circuit court that all of the judges thereof who are competent by law to try said case are in any way interested therein, or have been of counsel for either party, or are so related or connected with either party as to render it, in the opinion of the court, improper for them to sit in such trial, it shall be the duty of the court, on the application of either party, to cause the fact to be entered on the records, and to make an order that an authenticated copy thereof, with all the proceedings in the case, shall be forthwith certified to the most convenient circuit court in the next adjoining State or in the next adjoining circuit; and said court shall, upon the filing of such record and order with its clerk, take cognizance of and proceed to hear and determine the case, in the same manner as if it had been rightfully and originally commenced therein; and the proper process for the due execution of the judgment or decree rendered in the cause shall run into and may be executed in the district where such judgment or decree was rendered, and also into the district from which the cause was removed.

Cause certified back.

SEC. 616. The circuit justice, or the circuit judge of any circuit, may order any civil cause, which is certified into any court of the circuit under the provisions of the preceding section, to be certified back to the court whence it came; and then the latter shall proceed therein as if the cause had not been certified from it: *Provided*, That if, for any reason, it shall be improper for the judges of such court to try the cause so certified back, it shall be tried by some other judge holding such court, pursuant to the provisions of the next section.

Justices may hold courts of other circuits on request.

SEC. 617. Whenever a circuit justice deems it advisable, on account of his disability or absence, or of his having been of counsel, or being interested in any case pending in the circuit court for any district in his circuit, or of the accumulation of business therein, or for any other cause, that said court shall be held by the justice of any other circuit, he may, in writing, request the justice of any other circuit to hold the same, during a time to be named in the request; and such request shall be entered upon the journal of the circuit court so to be holden. Thereupon it shall be lawful for the justice so requested to hold such court, and to exercise within and for said district, during the time named in said request, all the powers of the justice of such circuit.

When no justice is allotted to a circuit.

SEC. 618. Whenever, by reason of death or resignation, no justice is allotted to a circuit, the Chief Justice of the Supreme Court may make a request as provided in the preceding section, which shall have effect in like manner until a justice is allotted to such circuit.

Sec.
629. Jurisdiction.
630. In bankruptcy.
631 Appeals in admiralty causes.
632. Copies of proofs and entries certified to appellate court.
633. Writ of error to judgment of district courts.
634. Circuit court in and for the three districts of Alabama.
635. Writs of error and appeals within one year.
636. Judgment or decree on review.
637. Jurisdiction of cases transferred from district courts on account of disability, &c.
638. Courts always open for certain purposes.
639. Removal of suits against aliens, &c., where amount of $500 in dispute.
640. Removal of suits against corporations organized under a law of the United States.
641. Removal of causes against persons denied any civil right, &c.
642. When petitioner is in actual custody of State court.
643. Removal of suits and prosecutions against revenue officers and officers acting under registration laws.
644. Removal of suits by aliens in a particular case.
645. When copies of records are refused by clerk of State court.
646. Attachments, injunctions, and indemnity bonds to remain in force after removal.
647. Removal of suits where parties claim land under titles from different States.
648. Issues of fact; when to be tried by jury.
649. Issues of fact tried by the court.
650. Division of opinion in civil causes; decision by presiding judge.
651. Division of opinion in criminal causes; certificate.
652. Division of opinion in civil causes; certificate.
660. Effect of altering terms of circuit courts.

Title 13, Chap. 7.

Jurisdiction.

SEC. 629. The circuit courts shall have original jurisdiction as follows:

Aliens, citizens of different States.

First. Of all suits of a civil nature at common law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: *Provided*, That no circuit court shall have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange.

Suits in equity by the United States.

Second. Of all suits in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and the United States are petitioners.

Suits at common law by United States or officers.

Third. Of all suits at common law where the United States, or any officer thereof suing under the authority of any act of Congress, are plaintiffs.

Suits under import, iternal-revenue, and postal laws.

Fourth. Of all suits at law or in equity, arising under any act providing for revenue from imports or tonnage, except civil causes of admiralty and maritime jurisdiction, and seizures on land or on waters not within admiralty and maritime jurisdiction, and except suits for penalties and forfeitures; of all causes arising under any law providing internal revenue, and of all causes arising under the postal laws.

Suits for the enforcement of penalties.

Fifth. Of all suits and proceedings for the enforcement of any penalties provided by laws regulating the carriage of passengers in merchant-vessels. [See § 4270, R. S.]

Condemnation of property used for insurrectionary purposes.

Sixth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and eight, Title "INSURRECTION." [See §§ 5308, 5309.]

Suits under slave-trade laws.

Seventh. Of all suits arising under any law relating to the slave-trade.

Suits on debentures.

Eighth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture.

Patent and copyright suits.

Ninth. Of all suits at law or in equity arising under the patent or copyright laws of the United States.

Suits against national banks.

Tenth. Of all suits by or against any banking association established in the district for which the court is held, under any law providing for national banking associations.

Suits to enjoin the Comptroller of the Currency.

Eleventh Of all suits brought by [or against*] any banking association established in the district for which the court is held, under the provisions of Title "THE NATIONAL BANKS," to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said title. [See § 5237, R. S.]

* Struck out by act of February 18, 1875.

Twelfth. Of all suits brought by any person to recover damages for any injury to his person or property on account of any act done by him, under any law of the United States for the protection or collection of any of the revenues thereof, or to enforce the right of citizens of the United States to vote in the several States. Suits for injuries on account of acts done under laws of the United States.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law to enforce the right of citizens of the United States to vote in all the States. [See § 2010, ELECTIVE FRANCHISE.] Suits to recover offices.

Fourteenth. Of all proceedings by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. [See § 1786, VACANCIES IN DEPARTMENTS.] Suits for removal of officers holding contrary to 14th amendment.

Fifteenth. Of all suits to recover pecuniary forfeitures under any act to enforce the right of citizens of the United States to vote in the several States. Suits for penalties under laws to enforce elective franchise.

Sixteenth. Of all suits authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or of any right secured by any law providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States. [See §§ 1977, 1979, CIVIL RIGHTS.] Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of the United States.

Seventeenth. Of all suits authorized by law to be brought by any person on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS." Suits on account of injuries by conspirators in certain cases.

Eighteenth. Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in section nineteen hundred and eighty, are about to be done, and, having power to prevent or aid in preventing the same, neglects or refuses so to do, to recover damages for any such wrongful act. [See § 1981, CIVIL RIGHTS.] Suits against persons having knowledge of conspiracy, &c.

Nineteenth. Of all suits and proceedings arising under section fifty-three hundred and forty-four, Title "CRIMES," for the punishment of officers and owners of vessels, through whose negligence or misconduct the life of any person is destroyed. Suits against officers and owners of vessels.

Twentieth. Exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where it is or may be otherwise provided by law, and concurrent jurisdiction with the district courts of crimes and offenses cognizable therein. Crimes and offenses.

SEC. 630. The circuit courts shall have jurisdiction in matters in bankruptcy, to be exercised within the limits and in the manner provided by law. In bankruptcy.

SEC. 631. From all final decrees of a district court in causes of equity or of admiralty and maritime jurisdiction, except prize causes, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, an appeal shall be allowed to the circuit court next to be held in such district, and such circuit court is required to receive, hear, and determine such appeal. Appeals in admiralty causes.

SEC. 632. In case of an appeal, as provided by the preceding section, copies of the proofs, and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court. Copies of proofs and entries certified to appellate court.

SEC. 633. Final judgments of a district court in civil actions, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error. Writ of error to judgments of district courts.

Circuit court in and for the three districts of Alabama.

SEC. 634. The circuit court in and for the three districts of Alabama shall exercise appellate and revisory jurisdiction of the decrees and judgments of the district courts for the said districts, under the laws conferring and regulating the jurisdiction, powers, and practice of circuit courts in cases removed into such courts by appeal or writ of error.

Writs of error and appeals within one year.

SEC. 635. No judgment, decree, or order of a district court shall be reviewed by a circuit court, on writ of error or appeal, unless the writ of error is sued out, or the appeal is taken, within one year after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or non compos mentis, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within one year after the entry of the judgment, decree, or order, exclusive of the term of such disability. [See § 1008.*]

Judgment or decree on review.

SEC. 636. A circuit court may affirm, modify, or reverse any judgment, decree, or order of a district court brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the district court, as the justice of the case may require.

Jurisdiction of cases transferred from district courts on account of disability, &c.

SEC. 637. When any cause, civil or criminal, of whatever nature, is removed into a circuit court, as provided by law, from a district court wherein the same is cognizable, on account of the disability of the judge of such district court, or by reason of his being concerned in interest therein, or having been of counsel for either party, or being so related to or connected with either party to such cause as to render it improper, in his opinion, for him to sit on the trial thereof, such circuit court shall have the same cognizance of such cause, and in like manner, as the said district court might have, or as said circuit† might have if the same had been originally and lawfully commenced therein; and shall proceed to hear and determine the same accordingly.

Courts always open for certain purposes.

SEC. 638. The circuit courts, as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein. And any judge of a circuit court may, upon reasonable notice to the parties, make, and direct and award, at chambers or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable, of course, according to the rules and practice of the court.

Removal of suits against aliens, &c., where amount of $500 in dispute.

SEC. 639. Any suit commenced in any State court, wherein the amount in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, to be made to appear to the satisfaction of said court, may be removed, for trial, into the circuit court, for the district where such suit is pending, next to be held after the filing of the petition for such removal hereinafter mentioned, in the cases and in the manner stated in this section.

First. When the suit is against an alien, or is by a citizen of the State wherein it is brought, and against a citizen of another State, it may be removed on the petition of such defendant, filed in said State court at the time of entering his appearance in said State court.

Second. When the suit is against an alien and a citizen of the State wherein it is brought, or is by a citizen of such State against a citizen of the same, and a citizen of another State, it may be so removed, as against said alien or citizen of another State, upon the petition of such defendant, filed at any time before the trial or final hearing of the cause, if, so far as it relates to him, it is brought for the purpose of restraining or enjoining him, or is a suit in which there can be a final determination of the controversy, so far as concerns him, without the

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* SEC. 1008. No judgment, decree, or order of a circuit or district court, in any civil action, at law or in equity, shall be reviewed in the Supreme Court, on writ of error or appeal, unless the writ of error is brought, or the appeal is taken, within two years after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, insane person, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within two years after the judgment, decree, or order, exclusive of the term of such disability.

† The word *court* omitted in the Roll.

presence of the other defendants as parties in the cause. But such removal shall not take away or prejudice the right of the plaintiff to proceed at the same time with the suit in the State court, as against the other defendants.

Third. When a suit is between a citizen of the State in which it is brought and a citizen of another State, it may be so removed on the petition of the latter, whether he be plaintiff or defendant, filed at any time before the trial or final hearing of the suit, if, before or at the time of filing said petition, he makes and files in said State court an affidavit, stating that he has reason to believe and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court.

In order to such removal, the petitioner in the cases aforesaid must, at the time of filing his petition therefor, offer in said State court good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the cause, or, in said cases where a citizen of the State in which the suit is brought is a defendant, copies of all process, pleadings, depositions, testimony, and other proceedings in the cause concerning or affecting the petitioner, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein. It shall thereupon be the duty of the State court to accept the surety and to proceed no further in the cause against the petitioner, and any bail that may have been originally taken shall be discharged.

When the said copies are entered as aforesaid in the circuit court, the cause shall there proceed in the same manner as if it had been brought there by original process, and the copies of pleadings shall have the same force and effect, in every respect and for every purpose, as the original pleadings would have had by the laws and practice of the courts of such State if the cause had remained in the State court.

Removal of suits against corporations organized under a law of United States.

SEC. 640. Any suit commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States, or against any member thereof as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, for trial, in the circuit court for the district where such suit is pending, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States. Such removal, in all other respects, shall be governed by the provisions of the preceding section.

Removal of causes against persons denied all civil right, &c.

SEC. 641. When any civil suit or criminal prosecution is commenced in any State court, for any cause whatsoever, against any person who is denied or cannot enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs, made or committed by virtue of or under color of authority derived from any law providing for equal rights as aforesaid, or for refusing to do any act on the ground that it would be inconsistent with such law, such suit or prosecution may, upon the petition of such defendant, filed in said State court, at any time before the trial or final hearing of the cause, stating the facts and verified by oath, be removed for trial, into the next circuit court to be held in the district where it is pending. Upon the filing of such petition all further proceedings in the State courts shall cease, and shall not be resumed except as hereinafter provided. But all bail and other security given in such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. It shall be the duty of the clerk of the State court to furnish such defendant, petitioning for a removal, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the case. If such copies are filed by said petitioner in the circuit court on the first day of its session, the cause shall proceed therein in the same manner as if it had been brought there by original process; and if the said clerk refuses or neglects to furnish such copies, the petitioner may thereupon docket the

case in the circuit court, and the said court shall then have jurisdiction therein, and may, upon proof of such refusal or neglect of said clerk, and upon reasonable notice to the plaintiff, require the plaintiff to file a declaration, petition, or complaint in the cause; and, in case of his default, may order a nonsuit and dismiss the case at the costs of the plaintiff, and such dismissal shall be a bar to any further suit touching the matter in controversy. But if, without such refusal or neglect of said clerk to furnish such copies and proof thereof, the petitioner for removal fails to file copies in the circuit court as herein provided, a certificate, under the seal of the circuit court, stating such failure, shall be given, and upon the production thereof in said State court, the cause shall proceed therein as if no petition for a removal had been filed. [See § 1977, CIVIL RIGHTS.]

When petitioner is in actual custody of State court.

SEC. 642. When all the acts necessary for the removal of any suit or prosecution, as provided in the preceding section, have been performed, and the defendant petitioning for such removal is in actual custody on process issued by said State court, it shall be the duty of the clerk of said circuit court to issue a writ of habeas corpus cum causa, and of the marshal, by virtue of said writ, to take the body of the defendant into his custody, to be dealt with in said circuit court according to law and the orders of said court, or, in vacation, of any judge thereof; and the marshal shall file with or deliver to the clerk of said State court a duplicate copy of said writ.

Removal of suits and prosecutions against revenue officers and officers acting under registration laws.

SEC. 643. When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or is commenced against any officer of the United States, or other person, on account of any act done under the provisions of Title XXVI, "THE ELECTIVE FRANCHISE," or on account of any right, title or authority claimed by such officer or other person under any of the said provisions, the said suit or prosecution may, at any time before the trial or final hearing thereof, be removed for trial into the circuit court next to be holden in the district where the same is pending, upon the petition of such defendant to said circuit court, and in the following manner: Said petition shall set forth the nature of the suit or prosecution, and be verified by affidavit; and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced, or of the United States, stating that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said circuit court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the circuit court, and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpœna, petition, or another process except capias, the clerk of the circuit court shall issue a writ of certiorari to the State court, requiring it to send to the circuit court the record and proceedings in the cause. When it is commenced by capias, or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or by some person duly authorized thereto, and thereupon it shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the circuit court, and any further proceedings, trial, or judgment therein in the State court shall be void. And if the defendant in the suit or prosecution be in actual custody on mesne process therein,

it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the circuit court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the circuit court that no copy of the record and proceedings therein in the State court can be obtained, the circuit court may allow and require the plaintiff to proceed de novo, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court. On failure of the plaintiff so to proceed, judgment of non prosequitur may be rendered against him, with costs for the defendant.

Removal of suits by aliens in a particular case.

SEC. 644. Whenever a personal action has been or shall be brought in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States, being a non-resident of that State wherein jurisdiction is obtained by the State court, by personal service of process, such action may be removed into the circuit court of the United States in and for the district in which the defendant shall have been served with the process, in the same manner as now provided for the removal of an action brought in a State court by the provisions of the preceding section.

When copies of records are refused by clerk of State court.

SEC. 645. In any case where a party is entitled to copies of the record and proceedings in any suit or prosecution in a State court, to be used in any court of the United States, if the clerk of said State court, upon demand, and the payment or tender of the legal fees, refuses or neglects to deliver to him certified copies of such records and proceedings, the court of the United States in which such record and proceedings are needed may, on proof by affidavit that the clerk of said State court has refused or neglected to deliver copies thereof, on demand as aforesaid, direct such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

Attachments, injunctions, and indemnity bonds to remain in force after removal.

SEC. 646. When a suit is removed for trial from a State court to a circuit court, as provided in the foregoing sections, any attachment of the goods or estate of the defendant by the original process shall hold the same to answer the final judgment, in the same manner as by the laws of such State they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced; and any injunction granted before the removal of the cause against the defendant applying for its removal shall continue in force until modified or dissolved by the United States court into which the cause is removed; and any bond of indemnity or other obligation, given by the plaintiff upon the issuing or granting of any attachment, writ of injunction, or other restraining process, against the defendant petitioning for the removal of the cause, shall also continue in full force and may be prosecuted by the defendant and made available for his indemnity in case the attachment, injunction, or other restraining process be set aside or dissolved, or judgment be rendered in his favor, in the same manner, and with the same effect as if such attachment, injunction, or other restraining process had been granted, and such bond had been originally filed or given in such State court.

Removal of suits where parties claim land under titles from different States.

SEC. 647. If, in any action commenced in a State court, where the title of land is concerned, and the parties are citizens of the same State, and the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, states to the court, and makes affidavit, if they require it, that he claims and shall rely upon a right or title to the land under a grant from a State other than that in which the suit is pending, and produces the original grant, or an exemplification of it, except where the loss of public records shall put it out of his power, and moves that the adverse party inform the court whether he claims a right or title to the land under a grant from the State in which the suit is pending, the said adverse party shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he gives information that he does claim under such grant, the party claiming under the grant first mentioned may, on motion, remove the cause for trial into the next circuit court to be holden in the district where such suit is pending. If

the party so removing the cause is defendant, the removal shall be made under the regulations governing removals of a cause into such court by an alien; and neither party removing the cause shall be allowed to plead or give evidence of any other title than that stated by him as aforesaid as the ground of his claim.

Issues of fact, when to be tried by a jury.

SEC. 648. The trial of issues of fact in the circuit courts shall be by jury, except in cases of equity and of admiralty and maritime jurisdiction, and except as otherwise provided in proceedings in bankruptcy, and by the next section.

Issues of fact tried by the court.

SEC. 649. Issues of fact in civil cases in any circuit court may be tried and determined by the court, without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury. [See § 700, SUPREME COURT.]

Division of opinion in civil causes; decision by presiding judge.

SEC. 650. Whenever, in any civil suit or proceeding in a circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, there occurs any difference of opinion between the judges as to any matter or thing to be decided, ruled, or ordered by the court, the opinion of the presiding justice or judge shall prevail, and be considered the opinion of the court for the time being.

SEC. 651. Whenever any question occurs on the trial or hearing of any criminal proceeding before a circuit court upon which the judges are divided in opinion, the point upon which they disagree shall, during the same term, upon the request of either party, or of their counsel, be stated under the direction of the judges, and certified, under the seal of the court, to the Supreme Court at their next session; but nothing herein contained shall prevent the cause from proceeding if, in the opinion of the court, further proceedings can be had without prejudice to the merits. Imprisonment shall not be allowed nor punishment inflicted in any case where the judges of such court are divided in opinion upon the question touching the said imprisonment or punishment. [See § 697.]

Division of opinion in civil causes; certificate.

SEC. 652. When a final judgment or decree is entered in any civil suit or proceeding before any circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, in the trial or hearing whereof any question has occurred upon which the opinions of the judges were opposed, the point upon which they so disagreed shall, during the same term, be stated under the direction of the judges, and certified, and such certificate shall be entered of record. [See § 693, SUPREME COURT.]

Effect of altering terms of circuit courts.

See all acts altering terms.

SEC. 660. No action, suit, proceeding, or process in any circuit court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established, next after the return day thereof.

[Sections 653, 654, 655, and 656 relate to the circuit court of Missouri, and 657 to the circuit court of New York.]

SUPREME COURT—ORGANIZATION.

Sec.
673. Number of justices.
674. Precedence of the associate justices.
675. Vacancy in the office of Chief Justice.
676. Salaries.
684. Terms.

Title 13, Chap. 9.

Number of justices.

SEC. 673. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

Precedence of the associate justices.

SEC. 674. The associate justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

Vacancy in the office of Chief Justice.

SEC. 675. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the associate justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every associate justice who succeeds to the office of Chief Justice.

Salaries of judges.

SEC. 676. The Chief Justice of the Supreme Court of the United States shall receive the sum of ten thousand five hundred dollars a year, and the justices thereof shall receive the sum of ten thousand dollars a year each, to be paid monthly.

SEC. 684. The Supreme Court shall hold, at the seat of Government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business; and suits, proceedings, recognizances, and processes pending in or returnable to said court shall be tried, heard, and proceeded with as if the time of holding said sessions had not been hereby altered. Title 13, Chap. 10. Terms.

SUPREME COURT—JURISDICTION.

Sec.
687. Original jurisdiction.
688. Writs of prohibition and mandamus.
689. Issues of fact.
690. Appellate jurisdiction.
691. Judgments in circuit court on writ of error.
692. Appeals in equity and admiralty cases.
693. Review of decisions of circuit court on certificate of division of opinion.
694. Cases pending in Supreme Court from middle and northern districts of Alabama.
695. Appeals in prize causes.
696. Appeals in prize causes remaining in circuit courts.
697. Points certified on division of opinion in a circuit court.
698. Transcripts on appeals.
699. Writs of error and appeals, without reference to amount.
700. Cases tried by the circuit court, without the intervention of a jury.
701. Judgment or decree on review.
702. Writs of error and appeals from territorial courts.
703. When a Territory becomes a State after judgment or decree in territorial court.
704. Judgments and decrees of district courts in cases transferred from territorial courts.
705. Judgments and decrees of supreme court of District of Columbia.
706. Cases where matter in dispute exceeds $100.
707. Appeals from the Court of Claims.
708. Time and manner of appeals from the Court of Claims.
709. Judgments and decrees of State courts on writ of error.
710. Precedence of writs of error to State courts in criminal cases.

SEC. 687. The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against embassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction of all suits brought by embassadors, or other public ministers, or in which a consul or vice-consul is a party. [See §§ 4063–4066, FOREIGN RELATIONS.] Title 13, Chap. 11. Original jurisdiction.

SEC. 688. The Supreme Court shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction; and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a State, or an embassador, or other public minister, or a consul or vice-consul is a party. Writs of prohibition and mandamus.

SEC. 689. The trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury. Issues of fact.

SEC. 690. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for. Appellate jurisdiction.

SEC. 691. All final judgments of any circuit court, or of any district court acting as a circuit court, in civil actions brought there by original process, or removed there from courts of the several States, and all final judgments of any circuit court in civil actions removed there from any district court by appeal or writ of error, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court, upon a writ of error. Judgments in circuit court, on writ of error.

SEC. 692. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court, or of any district court acting as a circuit court, in cases of equity, and of admiralty and maritime jurisdiction, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, and the Supreme Court is required to receive, hear, and determine such appeals. Appeals in equity and admiralty cases.

SEC. 693. Any final judgment or decree, in any civil suit or proceeding before a circuit court which was held, at the time, by a circuit justice and a circuit judge or a district judge, or by the circuit judge and a district judge, wherein the said judges certify as provided by law, that their opinions were opposed upon any question which occurred on the trial or hearing of the said suit or proceeding, may be reviewed and affirmed or reversed or modified by the Supreme Court, on writ of error or appeal, according to the nature of the case, and subject to the provisions of law applicable to other writs of error or appeals in regard to bail and supersedeas. [See § 652, p. 146.] Review of decisions of circuit court on certificate of division of opinion.

Cases pending in Supreme Court from middle and northern districts of Alabama.

SEC. 694. Nothing in the act of March three, eighteen hundred and seventy-three, relating to the circuit and district courts for the middle and northern districts of Alabama, shall affect the jurisdiction of the Supreme Court to hear and determine any cause or proceeding pending in said court at the date of said act on writ of error or appeal from the district courts of either of said districts.

Appeals in prize causes.

SEC. 695. An appeal shall be allowed to the Supreme Court from all final decrees of any district court in prize causes, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars; and shall be allowed, without reference to the value of the matter in dispute, on the certificate of the district judge that the adjudication involves a question of general importance. And the Supreme Court shall receive, hear, and determine such appeals and shall always be open for the entry thereof. [See § 1009, PRIZE.]

Appeals in prize causes remaining in circuit courts.

SEC. 696. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court in prize causes depending therein on the thirtieth day of June, eighteen hundred and sixty-four, in the same manner, and subject to the same conditions as appeals in prize causes from the district courts.

Points certified on division of opinion in a circuit court.

SEC. 697. When any question occurs on the hearing or trial of any criminal proceeding before a circuit court, upon which the judges are divided in opinion, and the point upon which they disagree is certified to the Supreme Court according to law, such point shall be finally decided by the Supreme Court; and its decision and order in the premises shall be remitted to such circuit court, and be there entered of record, and shall have effect according to the nature of the said judgment and order. [See § 651, page 146.]

Transcripts on appeals.

SEC. 698. Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, a transcript of the record, as directed by law to be made, and copies of the proofs, and of such entries and papers on file as may be necessary on the hearing of the appeal, shall be transmitted to the Supreme Court: *Provided*, That either the court below or the Supreme Court may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof. And on such appeals no new evidence shall be received in the Supreme Court, except in admiralty and prize causes. [See § 750, page 155.]

Writs of error and appeals, without reference to amount.

SEC. 699. A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in equity hereinafter mentioned, without regard to the sum or value in dispute:

Patent and copyright cases.

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory, in any case touching patent-rights or copyrights.

Actions for enforcement of any revenue law.

Second. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by the United States for the enforcement of any revenue law thereof.

Actions against revenue officers.

Third. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action against any officer of the revenue for any act done by him in the performance of his official duty, or for the recovery of any money exacted by or paid to him which shall have been paid into the Treasury.

Cases on account of deprivation of rights of citizens or under the Constitution.

Fourth. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, in any case brought on account of the deprivation of any right, privilege, or immunity secured by the Constitution of the United States, or of any right or privilege of a citizen of the United States.

Suits for injuries by conspirators against civil rights.

Fifth. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by any person on account of injury to his person or property by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

Cases tried by the circuit court without the intervention of a jury.

SEC. 700. When an issue of fact in any civil cause in a circuit court is tried and determined by the court without the intervention of a jury, according to section six hundred and forty-nine, the rulings of the court in the progress of the trial of the cause, if excepted to at the time, and duly presented by a bill of exceptions, may be reviewed by the Supreme Court upon a writ of error or upon appeal; and when the finding is special the

review may extend to the determination of the sufficiency of the facts found to support the judgment. [See § 649, page 146.]

Judgment or decree on review.

SEC. 701. The Supreme Court may affirm, modify, or reverse any judgment, decree, or order of a circuit court, or district court acting as a circuit court, or of a district court in prize causes, lawfully brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court, as the justice of the case may require. The Supreme Court shall not issue execution in a cause removed before it from such courts, but shall send a special mandate to the inferior court to award execution thereupon.

Writs of error and appeals from territorial courts.

SEC. 702. The final judgments and decrees of the supreme court of any Territory, except the Territory of Washington, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, may be reviewed and reversed or affirmed in the Supreme Court, upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court. In the Territory of Washington the value of the matter in dispute must exceed two thousand dollars, exclusive of costs. And any final judgment or decree of the supreme court of said Territory in any cause* the Constitution or a statute or treaty of the United States is brought in question may be reviewed in like manner. [See §§ 1909, 1911, R. S.]

When a Territory becomes a State after judgment or decree in territorial court.

SEC. 703. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

Judgments and decrees of district courts in cases transferred from territorial courts.

SEC. 704. The judgments or decrees of any district court, in cases transferred to it from the superior court of any Territory, upon the admission of such Territory as a State, under sections five hundred and sixty-seven and five hundred and sixty-eight, may be reviewed and reversed or affirmed upon writs of error sued out of, or appeals taken to, the Supreme Court, in the same manner as if such judgments or decrees had been rendered in said superior court of such Territory. And the mandates and all writs necessary to the exercise of the appellate jurisdiction of the Supreme Court in such cases shall be directed to such district court, which shall cause the same to be duly executed and obeyed.

Judgments and decrees of supreme court of District of Columbia.

SEC. 705. The final judgment or decree of the supreme court of the District of Columbia, in any case where the matter in dispute, exclusive of costs, exceeds the value of one thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal, in the same manner and under the same regulations as are provided in cases of writs of error on judgments, or appeals from decrees rendered in a circuit court.

Cases where matter in dispute exceeds $100.

SEC. 706. The writ of error or appeal provided by the preceding section may be allowed in any case where the value of the matter in dispute, exclusive of costs, is less than one thousand dollars, but more than one hundred dollars, upon the petition in writing of either party, accompanied by a copy of the proceedings complained of, and an assignment of errors, exhibited to any justice of the Supreme Court, if said justice is of opinion that such errors involve questions of law of such extensive operation as to render a decision of them by the Supreme Court desirable. The allowance in such case shall be by the written order of said justice, directed to the clerk of the supreme court of said District, to allow the appeal or issue the writ of error.

Appeals from the Court of Claims.

SEC. 707. An appeal to the Supreme Court shall be allowed, on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds three thousand dollars, or where his claim is forfeited to the United States by the judgment of said court, as provided in section one thousand and eighty-nine.

Time and manner of appeals from the Court of Claims.

SEC. 708. All appeals from the Court of Claims shall be taken within ninety days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct.

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* The word *where* omitted in the Roll.

Judgments and decrees of State courts on writ of error.

SEC. 709. A final judgment or decree in any suit in the highest court of a State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States; [and the proceeding upon the reversal shall be the same, except that the Supreme Court may, at their discretion, proceed to a final decision of the case, and award execution, or remand the same to the court from which it was so removed.]*

The Supreme Court may [re-affirm*] reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution, or remand the same to the court from which it was removed by the writ.

Precedence of writs of error to State courts in criminal cases.

SEC. 710. Cases on writ of error, to revise the judgment of a State court in any criminal case, shall have precedence, on the docket of the Supreme Court, of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance.

An act concerning the practice in territorial courts, and appeals therefrom.

* * * * * * *

April 7, 1874.

Appellate jurisdiction of Supreme Court of United States, how exercised.

Proceedings on appeal.

SEC. 2. That the appellate jurisdiction of the Supreme Court of the United States over the judgments and decrees of said territorial courts in cases of trial by jury shall be exercised by writ of error, and in all other cases by appeal according to such rules and regulations as to form and modes of proceeding as the said Supreme Court have prescribed or may hereafter prescribe: *Provided*, That on appeal, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the Supreme Court together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said Supreme Court, heretofore taken upon any such judgment or decree, shall be invalidated by reason of being instituted by writ of error or by appeal: *And provided further*, That the appellate court may make any order in any case heretofore appealed, which may be necessary to save the rights of the parties; and that this act shall not apply to cases now pending in the Supreme Court of the United States where the record has already been filed.

Proviso.

Approved, April 7, 1874.

An act to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes.

Feb. 16, 1875.

Separate finding of facts and conclusions of law, in admiralty cases in circuit court.

Jury impaneled by consent.

Finding of jury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit courts of the United States, in deciding causes of admiralty and maritime jurisdiction on the instance-side of the court, shall find the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and conclusions of law separately. And in finding the facts as before provided, said court may, upon the consent of the parties who shall have appeared and put any matter of fact in issue, and subject to such general rules in the premises as shall be made and provided from time to time, impanel a jury of not less than five and not more than twelve persons, to whom shall be submitted the issues of fact in such cause, under the direction of the court, as in cases at common law. And the finding of such jury, unless set aside for lawful cause, shall be entered of record, and stand as the finding of the court, upon which judgment shall be entered according to law. The review of the

* Words in brackets struck out by act of February 18, 1875.

judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the questions of law arising upon the record, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law. Review by Supreme Court; how limited.

SEC. 2. That said courts, when sitting in equity for the trial of patent causes, may impanel a jury of not less than five and not more than twelve persons, subject to such general rules in the premises as may, from time to time, be made by the Supreme Court, and submit to them such questions of fact arising in such cause as such circuit court shall deem expedient; and the verdict of such jury shall be treated and proceeded upon in the same manner and with the same effect as in the case of issues sent from chancery to a court of law and returned with such findings. Jury in patent cases heard in equity by circuit court.

SEC. 3. That whenever, by the laws now in force, it is required that the matter in dispute shall exceed the sum or value of two thousand dollars, exclusive of costs, in order that the judgments and decrees of the circuit courts of the United States may be re-examined in the Supreme Court, such judgments and decrees hereafter rendered shall not be re-examined in the Supreme Court unless the matter in dispute shall exceed the sum or value of five thousand dollars, exclusive of costs. Value of matter in dispute, necessary for review in Supreme Court.

SEC. 4. That this act shall take effect on the first day of May, eighteen hundred and seventy-five. When act to take effect.

Approved, February 16, 1875.

PROVISIONS COMMON TO MORE THAN ONE COURT OR JUDGE.

Sec.
711. Exclusive jurisdiction of courts of United States.
713. Judges prohibited from practicing law.
714. Judges resigning entitled, in certain cases, to salary for life.
716. Power to issue writs.
717. Writs of *ne exeat*.
718. Temporary restraining orders.
719. Injunctions.
720. Injunction to stay proceedings in State courts.
721. Laws of the States, rules of decision.
722. Proceedings, civil and criminal, in vindication of civil rights.
723. When suits in equity may be maintained.
724. Power to order production of books and writings in actions at law.
725. Power to impose oaths and punish contempts.
726. New trials.
727. Power to hold to security for the peace and good behavior.
728. Power to enforce awards of foreign consuls, &c., in certain cases.
729. Offenses punishable with death, where tried.
730. Offenses on the high seas, &c., where triable.
731. Offenses begun in one district and completed in another.
732. Suits for pecuniary penalties and forfeitures, where to be brought.

Sec.
733. Suits for internal-revenue taxes, where to be brought.
734. Seizures, where cognizable.
735. Captures of insurrectionary property, where cognizable.
736. Proceedings to enjoin Comptroller of the Currency.
737. When a part of several defendants cannot be served.
738. Suits in equity against absent defendants, to subject property in the district.
739. Suits against inhabitants of United States to be brought where they reside or are found.
740. Suits not of a local nature in States containing several districts.
741. Suits of a local nature in States containing several districts.
742. When land lies in different districts of same State.
746. Causes in progress of trial not discontinued by arrival of new term.
747. Parties may manage their causes personally or by counsel.
748. Certain officers forbidden to practice as attorneys, &c.
749. Penalty for violating preceding section.
750. Final record, how made in equity and admiralty causes.

SEC. 711. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States: Title 13, Chap. 12. Exclusive jurisdiction of courts of United States.

First. Of all crimes and offenses cognizable under the authority of the United States.

Second. Of all suits for penalties and forfeitures incurred under the laws of the United States.

Third. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it.

Fourth. Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction.

Fifth. Of all cases arising under the patent-right or copyright laws of the United States. Patent and copyright cases.

Sixth. Of all matters and proceedings in bankruptcy.

States.

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens.*

Judges prohibited from practicing law.

SEC. 713. It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. And any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor.

Judges resigning entitled, in certain cases, to salary for life.

SEC. 714. When any judge of any court of the United States resigns his office, after having held his commission as such at least ten years, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation.

Power to issue writs.

SEC. 716. The Supreme Court and the circuit and district courts shall have power to issue writs of scire facias. They shall also have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law.

Writs of *ne exeat*.

SEC. 717. Writs of ne exeat may be granted by any justice of the Supreme Court, in cases where they might be granted by the Supreme Court; and by any circuit justice or circuit judge, in cases where they might be granted by the circuit court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced, and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States.

Temporary restraining orders.

SEC. 718. Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

Injunctions.

SEC. 719. Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it cannot be heard by the circuit judge of the circuit or the district judge of the district. And an injunction shall not be issued by a district judge, as one of the judges of a circuit court, in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor shall any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court.

Injunction to stay proceedings in State courts.

SEC. 720. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy.

Laws of the States, rules of decision.

SEC. 721. The laws of the several States, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply.

Proceedings, civil and criminal, in vindication of civil rights.

SEC. 722. The jurisdiction in civil and criminal matters conferred on the district and circuit courts by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of

* Paragraph eighth, as follows: "Eighth. Of all suits or proceedings against embassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice-consuls," struck out by act of February 18, 1875.

the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

When suits of equity may be maintained.

SEC. 723. Suits in equity shall not be sustained in either of the courts of the United States in any case where a plain, adequate, and complete remedy may be had at law.

Power to order production of books and writings in actions at law.

SEC. 724. In the trial of actions at law, the courts of the United States may, on motion and due notice thereof, require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery. If a plaintiff fails to comply with such order, the court may, on motion, give the like judgment for the defendant as in cases of nonsuit; and if a defendant fails to comply with such order, the court may, on motion, give judgment against him by default.

Power to impose oaths and punish contempts.

SEC. 725. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

New trials.

SEC. 726. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law.

Power to hold to security for the peace and good behavior.

SEC. 727. The judges of the Supreme Court and of the circuit and district courts, the commissioners of the circuit courts, and the judges and other magistrates of the several States who are or may be authorized by law to make arrests for offenses against the United States, shall have the like authority to hold to security of the peace, and for good behavior, in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective States, in cases cognizable before them.

Power to enforce awards of foreign consuls, &c., in certain cases.

8 August, 1846, c. 105, v. 9, p. 78.

SEC. 728. The district and circuit courts, and the commissioners of the circuit courts, shall have power to carry into effect, according to the true intent and meaning thereof, the award, or arbitration, or decree of any consul, vice-consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice-consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge; application for the exercise of such power being first made to such court or commissioner by petition of such consul, vice-consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto, by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice-consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice-consul, or commercial agent: *Provided, however*, That the expenses of the said imprisonment, and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice-consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.

Offenses punishable with death, where tried.

SEC 729. The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience.

Offenses on the high seas, &c., where triable.

SEC. 730. The trial of all offenses committed upon the high seas or elsewhere, out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

Offenses begun in one district and completed in another.

SEC. 731. When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried,

determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

Suits for pecuniary penalties and forfeitures, where to be brought.

SEC. 732. All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found.

Suits for internal-revenue taxes, where to be brought.

SEC. 733. Taxes accruing under any law providing internal revenue may be sued for and recovered either in the district where the liability for such tax occurs or in the district where the delinquent resides.

Seizures, where cognizable.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

SEC. 734. Proceedings on seizures, for forfeiture under any law of the United States, made on the high seas may be prosecuted in any district into which the property so seized is brought and proceedings instituted. Proceedings on such seizures made within any district shall be prosecuted in the district where the seizure is made, except in cases where it is otherwise provided.

Captures of insurrectionary property, where cognizable.

SEC. 735. Proceedings for the condemnation of any property captured [as prize,]* whether on the high seas or elsewhere out of the limits of any judicial district, or within any district, on account of its being purchased or acquired, sold or given, with intent to use or employ the same, or to suffer it to be used or employed, in aiding, abetting, or promoting any insurrection against the Government of the United States, or knowingly so used or employed by the owner thereof, or with his consent, may be prosecuted in any district where the same may be seized, or into which it may be taken and proceedings first instituted.

Proceedings to enjoin Comptroller of the Currency.

SEC. 736. All proceedings by any national banking association to enjoin the Comptroller of the Currency, under the provisions of any law relating to national banking associations, shall be had in the district where such association is located.

When a part of several defendants cannot be served.

SEC. 737. When there are several defendants in any suit at law or in equity, and one or more of them are neither inhabitants of nor found within the district in which the suit is brought, and do not voluntarily appear, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit between the parties who are properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties not regularly served with process nor voluntarily appearing to answer; and non-joinder of parties who are not inhabitants of nor found within the district, as aforesaid, shall not constitute matter of abatement or objection to the suit.

Suits in equity against absent defendants, to subject property in the district.

SEC. 738. When any defendant in a suit in equity to enforce any legal or equitable lien or claim against real or personal property within the district where the suit is brought is not an inhabitant of nor found within the said district, and does not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant to appear, plead, answer, or demur to the complainant's bill at a certain day, therein to be designated; and the said order shall be served on such absent defendant, if practicable, wherever found, or, where such personal service is not practicable, shall be published in such manner as the court shall direct. If such absent defendant does not appear, plead, answer, or demur within the time so limited, or within some further time to be allowed by the court in its discretion, it shall be lawful for the court, upon proof of the service or publication of the said order, and of the performance of the directions contained therein, to entertain jurisdiction, and proceed to the hearing and adjudication of such suit, in the same manner as if such absent defendant had been served with process within the said district. But the said adjudication shall, as regards such absent defendant without appearance, affect his property within such district only.

Suits against inhabitants of United States to be brought where they reside or are found.

SEC. 739. Except in the cases provided in the next three sections, no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court; and except in the said cases and the cases provided by the preceding section, no civil suit shall be brought before either of said courts against an inhabitant of the United States, by any original process, in any other district than that of which he is an inhabitant or in which he is found at the time of serving the writ.

Suits not of a local nature in States containing several districts.

SEC. 740. When a State contains more than one district, every suit not of a local nature, in the circuit or district courts thereof, against a single defendant, inhabitant of such State, must be brought in the district where he resides; but if there are two or more defendants, residing in

* Words in brackets struck out by act of February 18, 1875.

different districts of the State, it may be brought in either district, and a duplicate writ may be issued against the defendants, directed to the marshal of any other district in which any defendant resides. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court of the proper district; and such original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded on as one suit; and upon any judgment or decree rendered therein, execution may be issued, directed to the marshal of any district in the same State.

Suits of a local nature in States containing several districts.

SEC. 741. In suits of a local nature, where the defendant resides in a different district, in the same State, from that in which the suit is brought, the plaintiff may have original and final process against him, directed to the marshal of the district in which he resides.

When land lies in different districts of same State.

SEC. 742. Any suit of a local nature, at law or in equity, where the land or other subject-matter of a fixed character lies partly in one district and partly in another, within the same State, may be brought in the circuit or district court of either district; and the court in which it is brought shall have jurisdiction to hear and decide it, and to cause mesne or final process to be issued and executed, as fully as if the said subject-matter were wholly within the district for which such court is constituted.

[Sections 743, 744, and 745 relate to actions and suits in Iowa, Indiana, and Kentucky.]

Causes in progress of trial not discontinued by arrival of new term.

SEC. 746. When the trial or hearing of any cause, civil or criminal, in a circuit or district court, has been commenced and is in progress before a jury or the court, it shall not be stayed or discontinued by the arrival of the time fixed by law for another session of said court; and the court may proceed therein and bring it to a conclusion, in the same manner and with the same effect as if another stated term of the court had not intervened.

Parties may manage their causes personally or by counsel.

SEC. 747. In all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as, by the rules of the said courts, respectively, are permitted to manage and conduct causes therein.

Certain officers forbidden to practice as attorneys, &c.

SEC. 748. No clerk, assistant or deputy clerk, of any territorial, district, or circuit court, or of the Court of Claims, or the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in either of said courts, or in any district for which he is acting as such officer.

Penalty for violating preceding section.

SEC. 749. Whosoever violates the preceding section shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice, and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office.

Final record, how made in equity and admiralty causes.

SEC. 750. In equity and admiralty causes, only the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record. [See § 698, page 148.]

DISTRICT ATTORNEYS.

Sec.
771. Duties of district attorneys.
772. Statement of suits for fines, penalties, and forfeitures.
773. Returns of district attorneys to Solicitor of the Treasury.

Duties of district attorneys.

SEC. 771. It shall be the duty of every district attorney to prosecute, in his district, all delinquents for crimes and offenses cognizable under the authority of the United States, and all civil actions in which the United States are concerned, and, unless otherwise instructed by the Secretary of the Treasury, to appear in behalf of the defendants in all suits or proceedings pending in his district against collectors, or other officers of the revenue, for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury.

Statement of suits for fines, penalties, and forfeitures.

SEC. 772. Every district attorney shall, on instituting any suit for the recovery of any fine, penalty, or forfeiture, immediately transmit to the Solicitor of the Treasury a statement thereof.

Returns of district attorneys to Solicitor of the Treasury.

SEC. 773. Every district attorney shall, immediately after the end of every term of the circuit and district courts for his district, forward to the Solicitor of the Treasury, except in the cases provided for in the next section,* a full and particular statement, accompanied by the certificate of the clerks of said courts, respectively, of all causes pending in said courts, and of all causes decided therein during such term, in which the United States are a party. He shall also, on the first day of October in each year, make a return to said Solicitor of the number of suits and proceedings commenced, pending, and determined within his district during the fiscal year next preceding the date of such return, showing the date when such proceeding or suit in each case was commenced. If the determination thereof has been delayed or continued beyond the usual or reasonable period, the reasons must be set forth, and a statement must be made of the measures taken by the district attorney to press such proceedings or suits to a close.

LIFE-SAVING SERVICE.

Establishment of life-saving stations.
Employment of crews of surfmen.
Employment of volunteer crews.
Medals of honor for saving life.

June 20, 1874. CHAP. 344.—An act to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service.

Establishment of life-saving stations, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to establish life-saving stations, life-boat stations, and houses of refuge, for the better preservation of life and property from shipwreck, at or in the vicinity of the following-named points upon the sea and lake coasts of the United States, namely:

* * * * * * *

Employment of crews of surfmen.

SEC. 5. That the Secretary of the Treasury is hereby authorized to employ crews of experienced surfmen at such of the stations herein denominated complete stations, and at such of the life-boat stations on the Pacific coast as he may deem necessary and proper, for such periods and at such compensation, not to exceed forty dollars per month, as he may deem necessary and reasonable.

Volunteer crews.

SEC. 6. That the Secretary of the Treasury may accept the services of volunteer crews of any of the life-boat stations herein authorized, who shall be subject to the rules and regulations governing the life-saving service; and a list of the names of each crew shall be kept in the office of the Secretary of the Treasury. Such volunteers shall receive no compensation, except a sum of not more than ten dollars each for every occasion upon which they shall have been instrumental in saving human life, and such of the medals herein authorized as they may be entitled to under the provisions hereinafter made: *Provided*, That no payment shall be made to any person who shall not have actually participated in the efforts to save the life or lives rescued.

Medals of honor—

SEC. 7. That the Secretary of the Treasury is hereby directed to cause to be prepared medals of honor, with suitable devices, to be distinguished as life-saving medals of the first and second class, which shall be bestowed upon any persons who shall hereafter endanger their own lives in saving, or endeavoring to save lives from perils of the sea, within the United States, or upon any American vessel: *Provided*, That

Of the first class;

the medal of the first class shall be confined to cases of extreme and heroic daring; and that the medal of the second class shall be given in cases not sufficiently distinguished to deserve the medal of the first class: *Provided, also*, That no award of either medal shall be made to any person until sufficient evidence of his deserving shall have been filed with the Secretary of the Treasury and entered upon the records of the Department.

Second class.

Proviso.

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Approved June 20, 1874.

* Relates to proceedings in suits under internal-revenue laws, when returns are to be made to the Commissioner.

LEAGUE ISLAND.

Act making appropriations for sundry civil expenses.

* * * * * * *

March 3, 1875.

League Island.

For the navy-yard at League Island: For the continuation of work and removal of property from the Philadelphia navy-yard, two hundred thousand dollars; which sum shall be available from and after the passage of this act: *Provided*, That the Secretary of the Navy, the Secretary of the Treasury, the Chief Engineer of the Army, and the chairman of the board of revision of taxes of the city and county of Philadelphia in the State of Pennsylvania, are hereby created a commission for the purpose of making sale and conveyance of all the lands, docks, wharves, real property and appurtenances, rights, interests, and privileges of the United States included within the limits of, and known as the navy-yard in, the city of Philadelphia, in the State of Pennsylvania; that for the purpose aforesaid, they shall, if they think best for the public interest, have the said property divided into lots or plots, and laid out into blocks and streets, conforming, as far as the interests of the Government will permit, to the blocks and streets of the said city in the vicinity of the said navy-yard; and they shall have the said property fairly appraised in such lots or portions as they think best, and shall have power to sell the same, or any portion thereof, at public auction, after thirty days notice in three daily papers of the largest circulation in the city of Philadelphia, at not less than the appraised value, to be paid for in cash within thirty days after making such sale, and, upon the receipt of such payment, to make good conveyance and title for the property sold and paid for to the purchasers or their assigns; that the money so received, less the necessary expenses of this commission, shall be paid into the Treasury of the United States, and an amount equal to the sum so paid in is hereby appropriated to be expended by the Navy Department in removing the movable property of the Philadelphia navy-yard to League Island, and in building the necessary docks, wharves, shops, and buildings at League Island, and preparing the same for carrying on the business and work of a navy-yard at that place: *Provided*, That not more than one-third of the appraised value of the said property hereby authorized to be sold shall be expended within the next fiscal year: *And provided also*, That the said commission shall make a definite and specific report of all their doings under this authority to Congress at its next regular session, and at each regular session thereafter while said sale shall remain uncompleted.

Proviso.

Commission to sell lands, docks, &c., of Philadelphia navy-yard.

Appraisal.

Proviso.

Proviso.

Approved March 3, 1875.

LIEUTENANT-COMMANDERS AND LIEUTENANTS.

See LINE OFFICERS.

LIGHTS AND BUOYS.

Sec.
4653. Organization of the Light-House Board.
4654. President of the board.
4655. Chairman.
4658. General powers and duties of board.
4660. Purchase of sites.
4661. } Cession of jurisdiction.
4662. }
4663. Preliminary surveys.
4664. Construction of light-houses.
4665. Contracts for construction.
4666. Contracts for materials.
4667. Advertisement for proposals.
4670. Light-house districts.
4671. Light-house inspectors.
4678. Color of buoys prescribed.
4679. Restriction on compensation of officers, &c.
4680. Officers, &c., not to be interested in contracts.
—— Jurisdiction over certain rivers.

Title 55.

Organization of the Light-House Board.

SEC. 4653. The President shall appoint two officers of the Navy, of high rank, two officers of the Corps of Engineers of the Army, and two civilians of high scientific attainments, whose services may be at the disposal of the President, together with an officer of the Navy and an officer of engineers of the Army, as secretaries, who shall constitute the Light-House Board.

President of the board.

SEC. 4654. The Secretary of the Treasury shall be ex-officio president of the Light-House Board.

Chairman.

SEC. 4655. The Light-House Board shall elect, by ballot, one of their number as chairman of the board, who shall preside at their meetings, when the president is absent, and shall perform such acts as may be prescribed by the rules of the board.

Ibid.

General powers and duties of board.

SEC. 4658. The Light-House Board shall be attached to the office of the Secretary of the Treasury, and under his superintendence shall discharge all administrative duties relating to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies, and materials of all kinds for building, and for rebuilding when necessary, and keeping in good repair the light-houses, light-vessels, beacons, and buoys of the United States; and shall have the charge and custody of all the archives, books, documents, drawings, models, returns, apparatus, and other things appertaining to the Light-House Establishment.

Purchase of sites for light-houses.

SEC. 4660. The Light-House Board is authorized, whenever an appropriation has been or may be made by Congress for a new light-house, the proper site for which does not belong to the United States, to purchase the necessary land, provided the purchase-money be paid from the amount appropriated for such light-house.

Cession of jurisdiction requisite.

SEC. 4661. No light-house, beacon, public piers, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States. [See § 1838, NAVY-YARDS.]

What cession is sufficient.

SEC. 4662. A cession by a State of jurisdiction over a place selected as the site of a light-house, or other structure or work of the Light-House Establishment, shall be deemed sufficient within the preceding section, notwithstanding it contains a reservation that process issued under authority of such State may continue to be served within such place. And notwithstanding any such cession of jurisdiction contains no such reservation, all process may be served and executed within the place ceded, in the same manner as if no cession had been made.

Preliminary surveys.

SEC. 4663. Whenever preliminary surveys are required to ascertain the necessity for any light-house, light-ship, beacon, or other warning to vessels, the erection of which is or may be authorized by law, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury may cause the necessary examinations and surveys on the sea-board to be made under the direction of the Superintendent of the Coast Survey, and those on the northwestern lakes to be made under the direction of the Corps of Engineers. In all cases in which adverse reports are made, they shall be submitted to Congress at its next session. In all cases in which the objects authorized are favorably reported upon, the works may be commenced immediately after valid titles and cessions of jurisdiction shall have been obtained to the sites.

Superintendents of construction, &c., of light-houses.

SEC. 4664. The President shall cause to be detailed from the Engineer Corps of the Army, from time to time, such officers as may be necessary to superintend the construction and renovation of light-houses.

Contracts must be founded on official plans and on a vote of the board.

SEC. 4665. The Light-House Board shall cause to be prepared by the engineer secretary of the board, or by such officer of engineers of the Army as may be detailed for that service, all plans, drawings, specifications, and estimates of cost, of all illuminating and other apparatus, and of construction and repair of towers, buildings, &c., connected with the Light-House Establishment, and no bid or contract shall be accepted or entered into, except upon the decision of the board, at a regular or special meeting, and through their properly authorized officers.

Regulation of contracts for materials, &c.

SEC. 4666. All materials for the construction and repair of light-houses, light-vessels, beacons, buoys, and so forth, shall be procured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the Secretary of the Treasury, and all works of construction, renovation, and repair shall be made by the orders of the board, under the immediate superintendence of their engineer secretary, or of such engineer of the Army as may be detailed for that service.

Contracts for erection must be upon advertisement for proposals.

SEC. 4667. No contract for the erection of any light-house shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest bidder therefor, upon security deemed sufficient in the judgment of the Secretary of the Treasury.

Light-house districts.

SEC. 4670. The Light-House Board shall arrange the Atlantic, Gulf, Pacific, and Lake coasts of the United States, into light-house districts, not exceeding twelve in number.

Light-house inspectors.

SEC. 4671. An officer of the Army or Navy shall be assigned to each district as a light-house inspector, subject to the orders of the Light-

House Board; and shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile, when traveling under orders connected with his duties.

Color of buoys prescribed.

SEC. 4678. All buoys along the coast, or in bays, harbors, sounds, or channels, shall be colored and numbered, so that passing up the coast or sound, or entering the bay, harbor, or channel, red buoys with even numbers shall be passed on the starboard hand, black buoys with uneven numbers on the port hand, and buoys with red and black stripes on either hand. Buoys in channel-ways shall be colored with alternate white and black perpendicular stripes.

Restriction upon compensation of officers, &c.

SEC. 4679. No additional salary shall be allowed to any civil, military, or naval officer on account of his being employed on the Light-House Board, or being in any manner attached to the light-house service.

Officers, &c., not to be interested in contracts.

SEC. 4680. No member of the Light-House Board, inspector, light-keeper, or other person in any manner connected with the light-house service, shall be interested, either directly or indirectly, in any contract for labor, materials, or supplies for the light-house service, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the light-house service.

Act making appropriations for sundry civil expenses.

June 23, 1874.

Jurisdiction of Light-House Board extended.

That the jurisdiction of the Light-House Board, created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, and so forth, and providing for the erection and establishment of the same, and for other purposes," approved August thirty-first, eighteen hundred and fifty-two, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

1852, ch. 112, § 8, vol. x, p. 118.

Additional light-house districts.

Approved, June 23, 1874.

LOST VESSELS AND CLOTHING.

Sec.
284. Settlement of accounts of pursers of lost or captured public vessels.
286. Fixing date of loss of missing vessels.
287. Accounts of petty officers, seamen, &c., on lost vessel.
288. Compensation for personal effects lost.
289. Payment of accounts of deceased petty officers, seamen, &c., of lost vessel.
290. Allowance for effects of officer of lost vessel.
1574. Crews of wrecked or lost vessels.
1575. Crews of vessels taken by an enemy.
3755. Preservation of wrecked property.

Title 7, Chap. 4.

Settlement of accounts of pursers of lost or captured public vessels.

SEC. 284. In every case of the loss or capture of a vessel belonging to the Navy of the United States, the proper accounting officers of the Treasury, under the direction of the Secretary of the Navy, are authorized, in the settlement of the accounts of the purser [paymaster*] of such vessel, to credit him with such portion of the amount of the provisions, clothing, small stores, and money, with which he stands charged on the books of the Fourth Auditor of the Treasury, as they shall be satisfied was inevitably lost by such capture or loss of a public vessel; and such purser shall be fully exonerated by such credit from all liability on account of the provisions, clothing, small stores, and money so proved to have been captured or lost.

Fixing date of loss of missing vessels.

SEC. 286. The proper accounting officers of the Treasury are authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen, and others, not officers, borne on the books of any vessel in the Navy which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been destroyed or lost with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed to have occurred.

Accounts of petty officers, seamen, &c., on lost vessel.

SEC. 287. The proper accounting officers of the Treasury are authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which by any casualty, or in action with the enemy, has been or may

* Paymaster to be inserted instead of purser, act of February 18, 1875.

be sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has, from any cause, not been made, the accounting officers are authorized to adjust and settle such accounts on principles of equity and justice. [See § 274, under ARREARS.]

Compensation for personal effects lost.

SEC. 288. The proper accounting officers of the Treasury Department are authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which, by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, to allow and pay to each person, not an officer, employed on the vessel so sunk or destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars, as compensation for the loss of his personal effects.

Payment of accounts of deceased petty officers, seamen, &c., of lost vessel.

SEC. 289. In case of the death of any such petty officer, seaman, or other person, not an officer, such payment shall be made to the widow, child or children, father, mother, or brothers and sisters jointly, following that order of preference; such credits and gratuity to be paid out of any money in the Treasury not otherwise appropriated.

Allowance for effects of officer of lost vessel.

SEC. 290. In case any officer of the Navy or Marine Corps on board a vessel in the employ of the United States which, by any casualty, or in action with the enemy, at any time since the nineteenth day of April, eighteen hundred and sixty-one, has been or may be sunk or destroyed, shall thereby have lost his personal effects, without negligence or want of skill or foresight on his part, the proper accounting officers are authorized, with the approval of the Secretary of the Navy, to allow to such officer a sum not exceeding the amount of his sea-pay for one month as compensation for such loss. But the accounting officers shall in all cases require a schedule and certificate from the officer making the claim for effects so lost.

Title 15, Chap. 8.

Crews of wrecked or lost vessels.

SEC. 1574. When the crew of any vessel of the United States are separated from such vessel, by means of her wreck, loss, or destruction, the pay and emoluments of such of the officers and men as shall appear to the Secretary of the Navy, by the sentence of a court-martial or court of inquiry, or by other satisfactory evidence, to have done their utmost to preserve her, and, after said wreck, loss, or destruction, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid them until their discharge or death.

Crews of vessels taken by an enemy.

SEC. 1575. The pay and emoluments of the officers and men of any vessel of the United States taken by an enemy who shall appear, by the sentence of a court-martial or otherwise, to have done their utmost to preserve and defend their vessel, and, after the taking thereof, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid to them until their exchange, discharge, or death.

Title 44.

Preservation, sale, &c., of abandoned property.

SEC. 3755. The Secretary of the Treasury is authorized to make such contracts and provisions as he may deem for the interest of the Government, for the preservation, sale, or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, and which ought to come to the United States, or of any moneys, dues, and other interests lately in the possession of or due to the so-called Confederate States, or their agents, and now belonging to the United States, which are now withheld or retained by any person, corporation, or municipality whatever, and which ought to have come into the possession and custody of, or been collected or received by, the United States; and in such contracts to allow such compensation to any person giving information thereof, or who shall actually preserve, collect, surrender, or pay over the same, as the Secretary of the Treasury may deem just and reasonable. No costs or claim shall, however, become chargeable to the United States in so obtaining, preserving, collecting, receiving, or making available property, debts, dues, or interests, which shall not be paid from such moneys as shall be realized and received from the property so collected, under each specific agreement.

LINE OFFICERS OF THE NAVY.

Sec.
1362. Grades of line officers.
1363. Number on the active list.
1364. When exceeded.
1365. Selection of rear-admirals during war.
1366. Promotion of rear-admirals during peace.
1434. Command of squadrons.
1435. Assignment of lieutenant-commanders.
1467. Rank of line officers.
1468. Precedence of commanding officers.
1490. Ensigns as steerage officers.
1556. Pay of line officers.

Title 15, Chap. 1.

Grades of line officers.

SEC. 1362. The active list of the line officers of the Navy of the United States shall be divided into eleven grades, as follows, namely:

First. Admiral.
Second. Vice-Admiral.
Third. Rear-admirals.
Fourth. Commodores.
Fifth. Captains.
Sixth. Commanders.
Seventh. Lieutenant-commanders.
Eighth. Lieutenants.
Ninth. Masters.
Tenth. Ensigns.
Eleventh. Midshipmen.

Provided, That vacancies occurring in the grades of Admiral and Vice-Admiral shall not be filled by promotion, or in any other manner; and that when the offices of said grades shall become vacant, the grade itself shall cease to exist.

Number on the active list.

SEC. 1363. There shall be allowed on the active list of the line officers of the Navy one Admiral, one Vice-Admiral, ten rear-admirals, twenty-five commodores, fifty captains, ninety commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred masters, and one hundred ensigns; and no promotion to the grade of lieutenant-commander shall be made until the number of such grade is reduced below eighty.

When exceeded.

SEC. 1364. The provisions of the foregoing section shall not have the effect to vacate the commission of any lieutenant-commander, lieutenant, master, or ensign appointed according to law, in excess of the respective number therein fixed; nor to preclude the advancement of any officer to a higher grade, for distinguished conduct in battle, or for extraordinary heroism, under the provisions of sections fifteen hundred and six and fifteen hundred and eight. [PROMOTION.]

Selection of rear-admirals during war.

SEC. 1365. During war rear-admirals shall be selected from those officers on the active list, not below the grade of commanders, who shall have eminently distinguished themselves by courage, skill, and genius in their profession; but no officer shall be so promoted, under this provision, unless, upon recommendation of the President by name, he has received the thanks of Congress for distinguished service.

Promotion of rear-admirals during peace.

SEC. 1366. During peace, vacancies in the grade of rear-admiral shall be filled by regular promotion from the list of commodores, subject to examination according to law. [See PROMOTION.]

Title 15, Chap. 2.

Command of squadrons.

SEC. 1434. The President may select any officer not below the grade of commander on the active list of the Navy, and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron, holding commissions of an older date than his, that he would be entitled to receive if his commission were the oldest.

Lieutenant-commanders, how assignable.

SEC. 1435. Lieutenant-commanders may be assigned to duty as first lieutenants of naval stations, as navigation and watch officers on board of vessels of war, and as first lieutenants of vessels not commanded by lieutenant-commanders.

Title 15, Chap. 4.

Rank according to date.

SEC. 1467. Line officers shall take rank in each grade according to the dates of their commissions.

Commanding officers of vessels and stations.

SEC. 1468. Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command.

[Sec. 1469, aid or executive, and Sec. 1470, rights of staff-officers—see RANK AND PRECEDENCE.]

Ensigns and steerage officers.

SEC. 1490. Ensigns shall be steerage officers, unless assigned to duty as watch and division officers.

Title 15, Chap. 8.

SEC. 1556. The Admiral, thirteen thousand dollars.

Pay of the Admiral.

Vice-Admiral. The Vice-Admiral, when at sea, nine thousand dollars; on shore duty, eight thousand dollars; on leave, or waiting orders, six thousand dollars.

Rear-admirals. Rear-admirals, when at sea, six thousand dollars; on shore duty, five thousand dollars; on leave, or waiting orders, four thousand dollars.

Commodores. Commodores, when at sea, five thousand dollars; on shore duty, four thousand dollars; on leave or waiting orders, three thousand dollars.

Captains. Captains, when at sea, four thousand five hundred dollars; on shore duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars.

Commanders. Commanders, when at sea, three thousand five hundred dollars; on shore duty, three thousand dollars; on leave, or waiting orders, two thousand three hundred dollars.

Lieutenant-commanders. Lieutenant-commanders, during the first four years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; after four years from such date, when at sea three thousand dollars; on shore duty, two thousand six hundred dollars; on leave, or waiting orders, two thousand two hundred dollars.

Lieutenants. Lieutenants, during the first five years after date of commission, when at sea, two thousand four hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand six hundred dollars; on shore duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars.

Masters. Masters, during the first five years after date of commission, when at sea, one thousand eight hundred dollars; on shore duty, one thousand five hundred dollars; on leave, or waiting orders, one thousand two hundred dollars; after five years from such date, when at sea, two thousand dollars; on shore duty, one thousand seven hundred dollars; on leave, or waiting orders, one thousand four hundred dollars.

Ensigns. Ensigns, during the first five years after date of commission, when at sea, one thousand two hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; after five years from such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand two hundred dollars; on leave, or waiting orders, one thousand dollars. [Midshipmen—see under NAVAL ACADEMY.

MARINE CORPS.

Sec.
1596. Number of.
1597. What commissions and promotions not affected by number fixed.
1598. Staff.
1599. Qualifications for appointment.
1600. Credit for volunteer service.
1601. Rank of commandant.
1602. Staff rank.
1603. Relative rank with the Army.
1604. Brevets.
1605. Advancement in number.
1606. Promotion when grade is full.
1607. Promotion for gallantry.
1608. Enlistments.
1609. Oath.
1610. Exemption from arrest.
1611. Companies and detachments.
1612. Pay of Marine Corps.
1613. Marine band.
1614. Deduction for hospitals.
1615. Rations of enlisted men.
1616. Services on armed vessels.
1617. Marine officers not to command navy-yards or vessels.
1618. Marines substituted for landsmen.
1619. Duty on shore.
1620. Regulations.
1621. Subject to laws governing the Navy, except when serving with the Army.
1622. Retirement.
1623. Retiring-board, how composed.

Title 15, Chap. 9.

Number of.

SEC. 1596. The Marine Corps of the United States shall consist of one commandant, with the rank of brigadier-general, one colonel, two lieutenant-colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant-major, one quartermaster-sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musi-

cians for a band, sixty drummers, sixty fifers, and twenty-five hundred privates.

What commissions and promotions not affected by number fixed.

SEC. 1597. The provisions of the preceding section shall not preclude the advancement of any officer to a higher grade for distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession, as authorized by sections sixteen hundred and five and sixteen hundred and seven.

Staff.

SEC. 1598. The staff of the Marine Corps shall be separate from the line.

Qualifications for appointment.

SEC. 1599. No person under twenty or over twenty-five years of age shall be appointed from civil life as a commissioned officer of the Marine Corps, nor shall any person be so appointed until his qualifications for such service have been examined and approved, under the directions of the Secretary of the Navy.

Credit for volunteer service.

SEC. 1600. All marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States.

Rank of commandant.

SEC. 1601. The commandant of the Marine Corps shall have the rank of a brigadier-general of the Army.*

Staff rank.

SEC. 1602. The adjutant and inspector, the paymaster, and the quartermaster shall have the rank of major; the assistant quartermaster shall have the rank of captain.

Relative rank with the Army.

SEC. 1603. The officers of the Marine Corps shall be, in relation to rank, on the same footing as officers of similar grades in the Army.

Brevets.

SEC. 1604. Commissions by brevet may be conferred upon commissioned officers of the Marine Corps in the same cases, upon the same conditions, and in the same manner as are or may be provided by law for officers of the Army.†

Advancement in number.

SEC. 1605. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

Promotion when grade is full.

SEC. 1606. Any officer who is nominated to a higher grade by the provisions of the preceding section shall be promoted, notwithstanding the number of said grade may be full, but no further promotion shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

Promotion for gallantry.

SEC. 1607. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession.

Enlistments.

SEC. 1608. Enlistments into the Marine Corps shall be for a period not less than five years.

SEC. 1609. The officers and enlisted men of the Marine Corps shall take the same oaths, respectively, which are provided by law for the officers and enlisted men of the Army.‡

Exemption from arrest.

SEC. 1610. Marines shall be exempt, while enlisted in said service, from all personal arrest for debt or contract.

June 6, 1874.

* *Naval appropriation act.—Provided*, That the office of commandant of the Marine Corps having the rank of a brigadier-general in the Army shall continue until a vacancy shall occur in the same, and no longer; and when such vacancy shall occur in said office, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall, by virtue of this act, from thenceforth be repealed: *And provided further*, That thereafter the commandant of the Marine Corps shall have the rank and pay of a colonel, and shall be appointed by selection by the President from the officers of said corps.

Approved, June 6, 1874.

† The following are the sections relating to the conferring of brevets in the Army:

Title 14, Chap. 1.

SEC. 1209. The President, by and with the advice and consent of the Senate, may, in time of war, confer commissions by brevet upon commissioned officers of the Army for distinguished conduct and public service in presence of the enemy.

Brevets.

Date of brevet commission.

Assignment to duty according to brevet rank.

Uniform and title.

SEC. 1210. Brevet commissions shall bear date from the particular action or service for which the officers were brevetted.

SEC. 1211. Officers may be assigned to duty or command according to their brevet rank by special assignment of the President; and brevet rank shall not entitle an officer to precedence or command except when so assigned.

SEC. 1212. No officer shall be entitled, on account of having been brevetted, to wear, while on duty, any uniform other than that of his actual rank; and no officer shall be addressed in orders or official communications by any title other than that of his actual rank.

‡ ART. 2. I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all enemies whatsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war." This oath may be taken before any commissioned officer of the Army. [OATH FOR ENLISTED MEN.]

Companies and detachments.

SEC. 1611. The Marine Corps may be formed into as many companies or detachments as the President may direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment.

Pay of Marine Corps.

SEC. 1612. The officers of the Marine Corps shall be entitled to receive the same pay and allowances, and the enlisted men shall be entitled to receive the same pay and bounty for re-enlisting, as are or may be provided by or in pursuance of law for the officers and enlisted men of like grades in the infantry of the Army.*

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* The following sections, 1261 to 1308, relate to pay and allowances in the Army:

Sec.
1261. Rates of pay.
1262. Service-pay.
1263. Not to exceed forty per centum on yearly pay.
1264. Brevets.
1265. Pay during absence.
1266. Forfeiture of pay.
1267. Maximum of colonel's and lieutenant-colonel's pay.
1268. To be paid monthly.
1269. Allowances.
1270. Allowance of fuel, quarters, and forage.
1271. Forage, to whom furnished.
1272. Forage, when allowed.
1273. Mileage.
1274. Officers retired from active service.
1275. Wholly retired.
1278. Leader of band.
1279. Chief musicians.
1280. Pay of enlisted men.
1281. Additional pay.
1282. Re-enlistment pay.
1283. Service-pay of men already in service.
1284. Re-enlistment.
1285. Certificate of merit.
1286. Non-commissioned officers of Mexican war.
1287. Extra duty.
1288. During captivity.
1289. Travel-pay to officers.
1290. Travel-pay to soldiers.
1291. Soldiers' pay not assignable.
1293. Rations of enlisted men.
1294. Sugar and coffee.
1296. Clothing prescribed by the President.
1297. None to ordnance-sergeants.
1298. Gratuitous clothing.
1299. Deductions for rations purchased.
1300. For articles purchased.
1301. For tobacco purchased.
1302. Clothing allowances and deductions.
1303. For damage to arms.
1304. For deficiencies.
1305. Deposits of soldiers' savings.
1306. Interest on deposits.
1307. Regulations for deposits,
1308. Deposits and clothing balances, how payable.

OFFICERS.

Title 14, Chap. 3.

Rates of pay.

SEC. 1261. The officers of the Army shall be entitled to the pay herein stated after their respective designations:

Brigadier-general: five thousand five hundred dollars a year.
Colonel: three thousand five hundred dollars a year. [See § 1267.]
Lieutenant-colonel: three thousand dollars a year. [See § 1267.]
Major: Two thousand five hundred dollars a year.
Captain, mounted: two thousand dollars a year.
Captain, not mounted: eighteen hundred dollars a year.
Adjutant: Eighteen hundred dollars a year.
Regimental quartermaster: eighteen hundred dollars a year.
First lieutenant mounted: Sixteen hundred dollars a year.
First lieutenant not mounted: fifteen hundred dollars a year.
Second lieutenant, mounted: fifteen hundred dollars a year.
Second lieutenant, not mounted: Fourteen hundred dollars a year.
Aid to brigadier-general: one hundred and fifty dollars a year, in addition to pay of his rank.

Service-pay.

SEC. 1262. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, ten per centum of their current yearly pay for each term of five years of service.

SEC. 1263. The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law.

Brevets.

SEC. 1264. Brevets conferred upon commissioned officers shall not entitle them to any increase of pay.

Pay during absence.

SEC. 1265. Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half-pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence, unless the absence is excused as unavoidable.

Forfeiture of pay.

SEC. 1266. Every officer who is dropped by the President from the rolls of the Army for absence from duty three months without leave, shall forfeit all pay due or to become due.

Maximum of colonel's and lieutenant-colonel's pay.

SEC. 1267. In no case shall the pay of a colonel exceed four thousand five hundred dollars a year, or the pay of a lieutenant-colonel exceed four thousand dollars a year.

To be paid monthly.

SEC. 1268. The sums hereinbefore allowed shall be paid in monthly payments by the paymaster.

SEC. 1269. No allowances shall be made to officers in addition to their pay except as hereinafter provided.

Allowance of fuel, quarters, and forage.

SEC. 1270. Fuel, quarters, and forage may be furnished in kind to officers by the Quartermaster's Department according to law and regulations.

SEC. 1271. Forage in kind may be furnished to officers by the Quartermaster's Department as follows:

Major-general: for five horses.
Brigadier-general: for four horses.
Colonel: for two horses.

SEC. 1613. The marines who compose the corps of musicians known as the "Marine band" shall be entitled to receive at the rate of four dollars a month, each, in addition to their pay as non-commissioned officers, musicians, or privates of the Marine Corps, so long as they shall perform, by order of the Secretary of the Navy, or other superior officer, on the Capitol grounds or the President's grounds. Marine band.

SEC. 1614. The Secretary of the Navy shall deduct from the pay due each of the officers and enlisted men of the Marine Corps at the rate of Deduction for hospitals.

Lieutenant-colonel: for two horses.
Major: for two horses.
Captains and lieutenants, mounted: for two horses.
Adjutants and regimental quartermasters: for two horses.

SEC. 1272. Forage shall be allowed to officers only for horses authorized by law, and actually kept by them in service when on duty and at the place where they are on duty.

SEC. 1273. When any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed ten cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated according to the nearest post-routes; and no payment shall be made to any officer except by a paymaster of the Army.* Mileage.

SEC. 1274. Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired. Officers retired from active service.

SEC. 1275. Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement. Wholly retired.

SEC. 1278. The leader of the band stationed at the Military Academy shall receive seventy-five dollars a month. Leader of band at academy.

SEC. 1279. The chief musicians of regiments shall receive sixty dollars a month and the allowances of a quartermaster-sergeant. Chief musician.

SEC. 1280. The monthly pay of the following enlisted men of the Army shall, during their first term of enlistment, be as follows, with the contingent conditions thereto, hereinafter provided: Pay of enlisted men.

Sergeant-majors of cavalry, artillery, and infantry, twenty-three dollars.
Quartermaster-sergeants of cavalry, artillery, and infantry, twenty-three dollars.
Principal musicians of artillery and infantry, twenty-two dollars.
Sergeants of cavalry, artillery, and infantry, seventeen dollars.
Corporals of artillery and infantry, fifteen dollars.
Musicians of artillery and infantry, thirteen dollars.
Privates of cavalry, artillery, and infantry, thirteen dollars.

SEC. 1281. To the rates of pay stated in the preceding section one dollar per month shall be added for the third year of enlistment, one dollar more per month for the fourth year, and one dollar more per month for the fifth year, making in all three dollars' increase per month for the last year of the first enlistment of each enlisted man named in said section. But this increase shall be considered as retained pay, and shall not be paid to the soldier until his discharge from the service, and shall be forfeited unless he serves honestly and faithfully to the date of discharge. Additional pay.

SEC. 1282. All enlisted men mentioned in section twelve hundred and eighty, who, having been honorably discharged, have re-enlisted or shall re-enlist within one month thereafter, shall, after five years' service, including their first enlistment, be paid at the rate allowed in said section to those serving in the fifth year of their first enlistment: *Provided*, That one dollar per month shall be retained from the pay of the re-enlisted men, of whatever grade, named in section twelve hundred and eighty-one during the whole period of their re-enlistment, to be paid to the soldier on his discharge, but to be forfeited unless he shall have served honestly and faithfully to the date of discharge. Re-enlistment pay.

SEC. 1283. Enlisted men, now in the service, shall receive the rates of pay established in this chapter according to the length of their service. Service pay of men already in service.

SEC. 1284. Every soldier who, having been honorably discharged, re-enlists within one month thereafter, shall be further entitled, after five years' service, including his first enlistment to receive, for the period of five years next thereafter, two dollars per month in addition to the ordinary pay of his grade; and for each successive period of five years of service, so long as he shall remain continuously in the Army, a further sum of one dollar per month. The past continuous service of soldiers now in the Army, shall be taken into account, and shall entitle such soldier to additional pay according to this rule; but services rendered prior to August fourth, eighteen hundred and fifty-four, shall in no case be accounted as more than one enlistment. Re-enlistment.

SEC. 1285. A certificate of merit granted to a private soldier by the President for distinguished services shall entitle him to additional pay, at the rate of two dollars per month, while he remains continuously in the service; and such certificate of merit granted to a private soldier who served in the war with Mexico shall entitle him to such additional pay, although he may not have remained continuously in the service. Certificate of merit.

SEC. 1286. Non-commissioned officers who served in the war with Mexico, and have been recommended by the commanding officers of their regiments for promotion by brevet to the lowest grade of commissioned officer, but have not received such recommended promotion, shall be entitled to additional pay at the rate of two dollars per month, although they may not have remained continuously in the service. Non-commissioned officers of Mexican war.

SEC. 1287. When soldiers are detailed for employment as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration, they shall receive, in addition to their regular pay, the following compensation: Privates working as artificers, and non-commissioned officers employed as overseers of such work, not exceeding one overseer for twenty men, Extra duty.

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* Mileage not now allowed; only actual traveling expenses.

twenty cents per month for every officer and marine, to be applied to the fund for Navy hospitals.

Rations of enlisted men.

SEC. 1615. The non-commissioned officers, privates, and musicians of the Marine Corps shall, each, be entitled to receive one Navy ration daily.

Service on armed vessels.

SEC. 1616. Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint

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thirty-five cents per day, and privates employed as laborers, twenty cents per day. This allowance of extra pay shall not apply to the troops of the Ordnance Department.

During captivity.

SEC. 1288. Every non-commissioned officer and private of the Regular Army, and every officer, non-commissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law.

Travel-pay to officers.

SEC. 1289. When an officer is honorably discharged from the service, he shall be allowed transportation and subsistence from the place of his discharge to the place of his residence at the time of his appointment, or to the place of his original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence, according to his rank, for such time as may be sufficient for him to travel from the place of discharge to the place of his residence, or original muster into service, computed at the rate of one day for every twenty miles.

Travel-pay to soldiers.

SEC. 1290. When a soldier is honorably discharged from the service, he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every twenty miles.

Soldiers' pay not assignable.

SEC. 1291. No assignment of pay by a non-commissioned officer or private, previous to his discharge, shall be valid.

Rations.

SEC. 1293. Sergeants and corporals of ordnance shall be entitled to receive one ration and a half daily. Other enlisted men shall be entitled to receive one ration daily.

Sugar and coffee.

SEC. 1294. For each ration of sugar and coffee not issued, nor commuted for the extract of coffee combined with milk and sugar, enlisted men shall be paid in money. [See § 1147, *post*.]

Clothing, prescribed by the President.

SEC. 1296. The President may prescribe the uniform of the Army and quantity and kind of clothing which shall be issued annually to the troops of the United States.

None to ordnance-sergeants.

SEC. 1297. No allowance of clothing shall be made to sergeants of ordnance.

Gratuitous clothing.

SEC. 1298. The Secretary of War may, on the recommendation of the Surgeon-General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion.

Deductions for rations purchased.

SEC. 1299. The amount due from any officer for rations purchased on credit, or for any article designated by the inspectors-general of the Army and purchased on credit from commissaries of subsistence, shall be deducted from the payment made to such officer next after such purchase shall have been reported to the Paymaster-General.

For articles purchased.

SEC. 1300. The amount due from any enlisted man for articles designated by the inspectors-general of the Army, and sold to him on credit by commissaries of subsistence, shall be deducted from the payment made to him next after such sale shall have been reported to the Paymaster-General.

For tobacco purchased.

SEC. 1301. The amount due from any enlisted man for tobacco sold to him at cost prices by the United States shall be deducted from his pay in the manner provided for the settlement of clothing accounts.

Clothing allowances and deductions.

SEC. 1302. The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him, every six months, on the muster-roll of his company, or on his final statements if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service.

For damage to arms.

SEC. 1303. The cost of repairs or damages doneto arms, equipments, or implements, shall be deducted from the pay of any officer or soldier in whose care or use the same were when such damages occurred, if said damages were occasioned by the abuse or negligence of said officer or soldier.

For deficiencies.

SEC. 1304. In case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent and deducted from his monthly pay, unless he shall show to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that said deficiency was not occasioned by any fault on his part. And in case of damage to any military supplies, the value of such damage shall be charged against such officer and deducted from his monthly pay, unless he shall, in like manner, show that such damage was not occasioned by any fault on his part.

Deposits of soldiers' savings.

SEC. 1305. Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any Army paymaster, who shall furnish him a deposit-book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for the pay of the Army, and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until

for service on said vessels, such of the officers of said corps as he may deem necessary.

Marine officers not to command navy-yards or vessels.

SEC. 1617. No officer of the Marine Corps shall exercise command over any navy-yard or vessel of the United States.

Marines substituted for landsmen.

SEC. 1618. The President may substitute marines for landsmen in the Navy, as far as he may deem it for the good of the service.

Duty on shore.

SEC. 1619. The Marine Corps shall be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore, as the President, at his discretion, may direct.

Regulations.

SEC. 1620. The President is authorized to prescribe such military regulations for the discipline of the Marine Corps as he may deem expedient.

Subject to laws governing the Navy, except when serving with the Army.

SEC. 1621. The Marine Corps shall, at all times, be subject to the laws and regulations established for the government of the Navy, except when detached for service with the Army by order of the President; and when so detached they shall be subject to the rules and articles of war prescribed for the government of the Army.

RETIRED LIST—MARINE CORPS.

Title 15, Chap. 9.

Retirement.

SEC. 1622. The commissioned officers of the Marine Corps shall be retired in like cases, in the same manner, and with the same relative conditions, in all respects, as are provided for officers of the Army, except as is otherwise provided in the next section.*

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final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposit be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.

Interest on deposits.

SEC. 1306. For any sums not less than fifty dollars so deposited for the period of six months, or longer, the soldier, on his final discharge, shall be paid interest at the rate of four per centum per annum.

Regulations for deposits.

SEC. 1307. The system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of War.

Deposits and clothing balances, how payable.

SEC. 1308. The amounts of deposits and clothing-balances accumulating to the soldier's credit, under sections thirteen hundred and two and thirteen hundred and five, shall, when payable to him upon his discharge, be paid out of the appropriations for "pay of the Army" for the then current fiscal year.

* The following sections relate to retirement in the Army:

Sec.	Sec.
1243. Retirement upon officer's own application.	1252. Disability not by an incident of service.
1244. After forty-five years, or at the age of sixty-two.	1253. Officers entitled to a hearing.
1245. For disability.	1254. Retired rank.
1246. Composition of retiring board.	1255. Status of retired officers.
1247. Oath of members.	1256. Rights and liabilities.
1248. Powers and duties.	1257. Vacancies by retirement.
1249. Findings	1258. Number on the retired list.
1250. Revision by the President.	1259. Assignment to duty.
1251. Finding of disability by incident of service.	1260. Detail as professor in a college.

Title 14, Chap. 2.

Retirement upon officer's own application.

SEC. 1243. When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. When an officer has been thirty years in service, he may, upon his own application, in the discretion of the President, be so retired, and placed on the retired list.

After 45 years, or at the age of 62.

SEC. 1244. When any officer has served forty-five years as a commissioned officer, or is sixty-two years old, he may be retired from active service at the discretion of the President.

For disability.

SEC. 1245. When any officer has become incapable of performing the duties of his office, he shall be either retired from active service, or wholly retired from the service, by the President, as hereinafter provided.

Composition of retiring-board.

SEC. 1246. The Secretary of War, under the direction of the President, shall, from time to time, assemble an Army retiring-board, consisting of not more than nine nor less than five officers, two-fifths of whom shall be selected from the Medical Corps. The board, excepting the officers selected from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

Oath of members.

SEC. 1247. The members of said board shall be sworn in every case to discharge their duties honestly and impartially.

Powers and duties.

SEC. 1248. A retiring-board may inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers of a court-martial and of a court of inquiry as may be necessary for that purpose.

Findings.

SEC. 1249. When the board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of service.

Revision by the President.

SEC. 1250. The proceedings and decisions of the board shall be transmitted to the Secretary of War, and shall be laid by him before the President for his approval or disapproval and orders in the case.

Retiring-board, how composed.

SEC. 1623. In case of an officer of the Marine Corps, the retiring-board shall be selected by the Secretary of the Navy, under the direction of the President. Two-fifths of the board shall be selected from the Medical Corps of the Navy, and the remainder shall be selected from officers of the Marine Corps, senior in rank, so far as may be, to the officer whose disability is to be inquired of.

RATIONS.

Title 14, Chap. 1.

The ration.

SEC. 1146. Each ration shall consist of one pound and a quarter of beef or three-quarters of a pound of pork, eighteen ounces of bread or flour, and at the rate of ten pounds of coffee, fifteen pounds of sugar, two quarts of salt, four quarts of vinegar, four ounces of pepper, four pounds of soap, and one pound and a half of candles to every hundred rations. The President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the Army and economy may require.

Coffee and sugar commuted.

SEC. 1147. The Secretary of War may commute the ration of coffee and sugar for the extract of coffee combined with milk and sugar, if he shall believe such commutation to be conducive to the health and comfort of the Army, and not to be more expensive to the Government than the present ration; provided, the same shall be acceptable to the men. [See § 1294, p. 166.]

Sugar and coffee in kind.

SEC. 1148. The ration of sugar and coffee, when issued in kind, shall, when the convenience of the service permits, be issued weekly.

Sales of tobacco.

SEC. 1149. Tobacco shall be furnished to the enlisted men by the commissaries of subsistence, at cost prices, exclusive of the cost of transportation, in such quantities as they may require, not exceeding sixteen ounces per month. [See § 1301, p. 166.]

MARINE HOSPITALS.

Sec.
4585. Assessment of forty cents a month.
4586. Hospital dues of vessel sold abroad.
4801. Power to receive gifts in aid of marine hospitals.
4802. Supervising surgeon of marine-hospital service.
4803. Custody and appropriation of "fund for the relief of sick and disabled seamen."
4804. Persons employed on canal-boats in the coasting-trade excluded.
4805. Foreign seamen admitted.

Title 53, Chap. 5.

Assessment of forty cents per month.

SEC. 4585. There shall be assessed and collected by the collectors of customs at the ports of the United States, from the master or owner of every vessel of the United States arriving from a foreign port, or of every registered vessel employed in the coasting trade, and before such vessel shall be admitted to entry, the sum of forty cents per month for each and every seaman who shall have been employed on such vessel since she was last entered at any port of the United States; which sum such master or owner may collect and retain from the wages of such seamen. [See § 4803.]

Hospital-dues of vessels sold abroad.

SEC. 4586. Whenever a sale or transfer of any vessel of the United States is made in a foreign port or water, the consular officer of the United States within whose consulate or district the same is made, or in whose hands the papers of such vessel are, is required to collect of the master or agent of such vessel all moneys that shall have become due to the United States by virtue of the preceding section, and shall remain unpaid at the time of such sale or transfer; and such consular officer shall retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of such payment the sale or transfer shall be void, excepting as against the vendor.

Title 59, Chap. 1.

Power to receive gifts in aid of marine hospitals.

SEC. 4801. The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen.

Finding of disability by an incident of service.

SEC. 1251. When a retiring-board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, and such decision is approved by the President, said officer shall be retired from active service and placed on the list of retired officers.

Disability not by an incident of service.

SEC. 1252. When the board finds that an officer is incapacitated for active service, and that his incapacity is not the result of any incident of service, and its decision is approved by the President, the officer shall be retired from active service, or wholly retired from the service, as the President may determine. The names of officers wholly retired from the service shall be omitted from the Army Register.

Officers entitled to a hearing.

SEC. 1253. Except in cases where an officer may be retired by the President upon his own application, or by reason of his having served forty-five years, or of his

SEC. 4802. The Secretary of the Treasury shall, from time to time, appoint a surgeon to act as supervising surgeon of marine-hospital service, who shall, under the direction of the Secretary, supervise all matters connected with the marine-hospital service, and with the disbursement of the fund for the relief of sick and disabled seamen. He shall be entitled to a salary of not more than two thousand dollars a year, and to his necessary traveling expenses. And he shall make monthly reports to the Secretary of the Treasury.* Supervising surgeon of marine-hospital service.

SEC. 4803. The several collectors of the customs shall respectively deposit, without abatement or reduction, the sums collected by them under the provisions of law imposing a tax upon seamen for hospital purposes, with the nearest depositary of public moneys, and shall make returns of the same, with proper vouchers, monthly, to the Secretary of the Treasury, upon forms to be furnished by him. All such moneys shall be placed to the credit of "the fund for the relief of sick and disabled seamen;" of which fund separate accounts shall be kept in the Treasury. Such fund is appropriated for the expenses of the marine-hospital service, and shall be employed, under the direction of the Secretary of the Treasury, for the care and relief of sick and disabled seamen employed in registered, enrolled, and licensed vessels of the United States. Custody and appropriation of "fund for relief of sick and disabled seamen."

SEC. 4804. No person employed in or connected with the navigation, management, or use of canal-boats engaged in the coasting-trade shall by reason thereof be entitled to any benefit or relief from the marine-hospital fund. Persons employed on canal-boats in the coasting-trade excluded.

SEC. 4805. Sick foreign seamen may be admitted to the marine hospitals within the United States, if it can with convenience be done, on Foreign seamen admitted.

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being sixty-two years old, no officer shall be retired from active service, nor shall an officer, in any case, be wholly retired from the service, without a full and fair hearing before an Army retiring-board, if, upon due summons, he demands it.

SEC. 1254. Officers hereafter retired from active service shall be retired upon the actual rank held by them at the date of retirement. Retired rank.

SEC. 1255. Officers retired from active service shall be withdrawn from command and from the line of promotion. Status of retired officers.

SEC. 1256. Officers retired from active service shall be entitled to wear the uniform of the rank on which they may be retired. They shall continue to be borne on the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach thereof. Rights and liabilities.

SEC. 1257. When any officer in the line of promotion is retired from active service, the next officer in rank shall be promoted to his place, according to the established rules of the service; and the same rule of promotion shall be applied, successively, to the vacancies consequent upon such retirement. Vacancies by retirement.

SEC. 1258. The whole number of officers of the Army on the retired list shall not at any time exceed three hundred, and any less number to be allowed thereon may be fixed by the President in his discretion. Number on the retired list.

SEC. 1259. Retired officers of the Army may be assigned to duty at the Soldiers' Home, upon a selection by the commissioners of that institution, approved by the Secretary of War; and a retired officer shall not be assignable to any other duty. Assignment to duty.

SEC. 1260. Any retired officer may, on his own application, be detailed to serve as professor in any college. Detail as professor in a college.

SEC. 1274. Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired. Officers retired from active service.

Title 14, Chap. 3.

March 3, 1871.

An act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army.

* * * * * * *

SEC. 2. That all officers of the Army who have been heretofore retired by reason of disability arising from wounds received in action shall be considered as retired upon the actual rank held by them, whether in the regular or volunteer service, at the time when such wound was received, and shall be borne on the retired list and receive pay hereafter accordingly; and this section shall be taken and construed to include those now borne on the retired list placed upon it on account of wounds received in action: *Provided*, That no part of the foregoing act shall apply to those officers who had been in service as commissioned officers twenty-five years at the date of their retirement; nor to those retired officers who had lost an arm or leg, or has an arm or leg permanently disabled by reason of resection, on account of wounds, or both eyes by reason of wounds received in battle; and every such officer now borne on the retired list shall be continued thereon notwithstanding the provisions of section two, chapter thirty-eight, act of March thirty, eighteen hundred and sixty-eight: *And be it also provided*, That no retired officer shall be affected by this act, who has been retired or may hereafter be retired on the rank held by him at the time of his retirement; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed. Officers retired for disability from wounds in action, rank of, on retired list. Proviso. Application of act. 1868, c. 38, s. 2, v. 15, p. 58. Proviso. Application of act. Repeals.

Approved March 3, 1875.

**Act appropriating for sundry civil expenses.*—That hereafter the salary of the supervising surgeon-general of the United States marine-hospital service shall be paid out of the marine-hospital fund, at the rate of four thousand dollars per year; and the supervising surgeon-general shall be appointed by the President, by and with the advice and consent of the Senate.

Approved March 3, 1875.

the application of the master of any foreign vessel to which any such seaman may belong. Each seaman so admitted shall be subject to a charge of seventy-five cents per day for each day he may remain in the hospital, which shall be paid by the master of such foreign vessel to the collector of the collection-district in which such hospital is situated. And the collector shall not grant a clearance to any foreign vessel until the money so due from her master shall be paid. The officer in charge of each hospital is hereby directed, under penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital under his direction, and render the same to the collector. [See § 6, March 3, 1875.]

Act to promote economy and efficiency in the marine-hospital service.

March 3, 1875.

Sick and disabled seamen of foreign vessels, &c.

SEC. 6. That sick and disabled seamen of foreign vessels and of vessels not subject to hospital-dues may be cared for by the marine-hospital service at such rates and under such regulations as the Secretary of the Treasury may prescribe.

Supervising Surgeon of marine-hospital service; salary, how paid.

SEC. 7. That the compensation of the Supervising Surgeon of the United States marine-hospital service shall be paid out of the marine-hospital fund, and the salary of the supervising surgeon shall be four thousand dollars a year.

Approved, March 3, 1875.

MARINE SCHOOLS.

An act to encourage the establishment of public marine schools.

June 20, 1874.

Secretary of the Navy may furnish vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application in writing of the Governor of the State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco, upon the condition that there shall be maintained, at such port, a school or branch of a school for the instruction of youths in navigation, seamanship, marine enginery and all matters pertaining to the proper construction, equipment and sailing of vessels or any particular branch thereof: And the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents of, or instructors in, such schools: *Provided*, That if any such school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy, and the officers so detailed recalled: *And provided further*, That no person shall be sentenced to, or received at, such schools as a punishment or commutation of punishment for crime.

Condition.

Detail of officers.

Restoration of vessels.

Schools not for penal purposes.

Approved, June 20, 1874.

MASTERS IN THE NAVY.

See LINE OFFICERS.

MATES.

Sec.
1408. Seamen may be rated as mates.
1409. Rating shall not discharge from enlistment.
1556. Pay of mates.

Title 15, Chap. 1.

Seamen may be rated as mates.

SEC. 1408. Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years.

Rating shall not discharge from enlistment.

SEC. 1409. The rating of an enlisted man as a mate, or his appointment as a warrant officer, shall not discharge him from his enlistment.

Title 15, Chap. 8.

Pay of mates.

SEC. 1556. * * Mates, when at sea, nine hundred dollars; on shore duty, seven hundred dollars; on leave, or waiting orders, five hundred dollars.

MEDICAL CORPS.

Sec.
1368. Medical Corps, number of.
1369. Appointments in, how made.
1370. Appointment of assistant surgeons.
1371. Appointment of surgeons.
1372. Rank of assistant surgeon in case of delayed examination.
1373. Surgeon of the fleet.
Sec.
1374. Duties of surgeon of the fleet.
1375. Details of medical officers to Bureau of Medicine and Surgery.
1411. Acting assistant surgeons.
1474. Rank.
1556. Pay.

Title 15, Chap. 1.

Medical Corps; number of.

SEC. 1368. The active list of the Medical Corps of the Navy shall consist of fifteen medical directors, fifteen medical inspectors, fifty surgeons, and one hundred assistant surgeons.

Appointments in, how made.

SEC. 1369. All appointments in the Medical Corps shall be made by the President, by and with the advice and consent of the Senate.

Appointment of assistant surgeons.

SEC. 1370. No person shall be appointed assistant surgeon until he has been examined and approved by a board of naval surgeons, designated by the Secretary of the Navy; nor who is under twenty-one or over twenty-six years of age.

Appointment of surgeons.

SEC. 1371. No person shall be appointed surgeon until he has served as an assistant surgeon at least two years, on board a public vessel of the United States at sea, nor until he has been examined and approved for such appointment, by a board of naval surgeons, designated by the Secretary of the Navy.

Rank of assistant surgeons in case of delayed examination.

SEC. 1372. When any assistant surgeon was absent from the United States, on duty, at the time when others of his date were examined, he shall, if not rejected at a subsequent examination, be entitled to the same rank with them; and if, from any cause, his relative rank cannot be assigned to him, he shall retain his original position on the register.

Surgeon of the fleet.

SEC. 1373. The President may designate among the surgeons in the service, and appoint to every fleet or squadron an experienced and intelligent surgeon, who shall be denominated "surgeon of the fleet," and shall be surgeon of the flag-ship.

Duties of surgeon of the fleet.

SEC. 1374. The surgeon of the fleet shall, in addition to his duties as surgeon of the flag-ship, examine and approve all requisitions for medical and hospital stores for the squadron or fleet, and inspect their quality. He shall, in difficult cases, consult with the surgeons of the several ships, and he shall make, and transmit to the Navy Department, records of the character and treatment of diseases in the squadron or fleet.

Details of medical officers to Bureau of Medicine and Surgery.

SEC. 1375. A surgeon, assistant surgeon, or passed assistant surgeon, may be detailed as assistant to the Bureau of Medicine and Surgery.

Acting assistant surgeons.

SEC. 1411. The Secretary of the Navy may appoint, for temporary service, such acting assistant surgeons as the exigencies of the service may require, who shall receive the compensation of assistant surgeons.

Title 15, Chap. 4.

Rank.

SEC. 1474. Officers of the Medical Corps on the active list of the Navy shall have relative rank as follows:

Medical directors, the relative rank of captain.

Medical inspectors, the relative rank of commander.

Surgeons, the relative rank of lieutenant-commander or lieutenant.

Passed assistant surgeons, the relative rank of lieutenant or master.

Assistant surgeons, the relative rank of master or ensign.

Title 15, Chap. 8.

Pay of fleet-surgeons.

SEC. 1556. Fleet-surgeons, * * * *, four thousand four hundred dollars.

Medical directors and inspectors.

Medical directors, medical inspectors, * * *, when on duty at sea, four thousand four hundred dollars.

When not at sea, the same as surgeons and paymasters, respectively.

Surgeons.

Surgeons, * * *, during the first five years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; during the second five years after such date, when at sea, three thousand two hundred dollars; on shore duty, two thousand eight hundred dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when at sea, three thousand five hundred dollars; on shore duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand six hundred dollars; during the fourth five years after such date, when at sea,

three thousand seven hundred dollars; on shore duty, three thousand six hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars; after twenty years from such date, when at sea, four thousand two hundred dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.

Passed assistant surgeons. Passed assistant surgeons, * * * , during the first five years after date of appointment, when at sea, two thousand dollars; on shore duty, one thousand eight hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; after five years from such date, when at sea, two thousand two hundred dollars; on shore duty, two thousand dollars; on leave or waiting orders, one thousand seven hundred dollars.

Assistant surgeons. Assistant surgeons, * * * , during the first five years after date of appointment, when at sea, one thousand seven hundred dollars; on shore duty, one thousand four hundred dollars; on leave, or waiting orders, one thousand dollars; after five years from such date, when at sea, one thousand nine hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.

Assistant surgeons qualified for promotion. Assistant surgeons of three years' service, who have been found qualified for promotion by a medical board of examiners, the pay of passed assistant surgeons.

MEDICINES — MEDICAL EXPENSES AND FUNERAL EXPENSES.

Sec.
1586. Medicines and medical attendance.
1587. Funeral expenses.

Title 15, Chap. 8.

Medicines and medical attendance. SEC. 1586. Expenses incurred by any officer of the Navy for medicines and medical attendance shall not be allowed unless they were incurred when he was on duty, and the medicines could not have been obtained from naval supplies, or the attendance of a naval medical officer could not have been had.

Funeral expenses. SEC. 1587. No funeral expense of a naval officer who dies in the United States, nor expenses for travel to attend the funeral of an officer who dies there, shall be allowed. But when an officer on duty dies in a foreign country the expenses of his funeral, not exceeding his sea-pay for one month, shall be defrayed by the Government, and paid by the paymaster upon whose books the name of such officer was borne for pay.

MIDSHIPMEN.

See LINE OFFICERS and NAVAL ACADEMY.

MURDER, MANSLAUGHTER, MAIMING, &c.

Sec.
Art. 6. Murder by persons on public vessels.
5325. Punishment of death by hanging.
5326. No conviction to work corruption of blood or forfeiture of estate.
5327. Whipping and the pillory abolished.
5328. Jurisdiction of State courts.
5329. Benefit of clergy.
5330. Pardoning power.
5339. Murder.
5340. Delivery of offender's body for dissection, when.
5341. Manslaughter.
5342. Attempt to commit murder or manslaughter.
5343. Punishment of manslaughter.
5344. Officers and owners of steamboats through whose misconduct, &c., life is lost.
5345. Rape.
5346. Assault with a dangerous weapon.
5347. Maltreatment of crew by officers of vessels.
5348. Maiming, &c.

Title 15, Chap. 10. ART. 6. If any person belonging to any public vessel of the United States commits the crime of murder without the territorial jurisdiction thereof, he may be tried by court-martial and punished with death.

Title 70, Chap. 1. SEC. 5325. The manner of inflicting the punishment of death shall be by hanging. [See § 5340.]

Punishment of death by hanging.

No conviction to work corruption of blood or forfeiture of estate. SEC. 5326. No conviction or judgment shall work corruption of blood or any forfeiture of estate.

Whipping and the pillory abolished. SEC. 5327. The punishment of whipping and of standing in the pillory shall not be inflicted.

Jurisdiction of State courts.

SEC. 5328. Nothing in this Title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

Benefit of clergy.

SEC. 5329. The benefit of clergy shall not be used or allowed, upon conviction of any crime for which the punishment is death.

Pardoning power.

SEC. 5330. Whenever, by the judgment of any court or judicial officer of the United States, in any criminal proceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President shall have full discretionary power to pardon or remit, in whole or in part, either one of the two kinds, without, in any manner, impairing the legal validity of the other kind, or of any portion of either kind, not pardoned or remitted.

SEC. 5339. Every person who commits murder—

Title 70, Chap. 1.

Murder.

First. Within any fort, arsenal, dock-yard, magazine, or in any other place or district of country under the exclusive jurisdiction of the United States;

Second. Or upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State;

Third. Or who upon any of such waters maliciously strikes, stabs, wounds, poisons, or shoots at any other person, of which striking, stabbing, wounding, poisoning, or shooting such other person dies, either on land or at sea, within or without the United States, shall suffer death. [See § 5326.]

Delivery of offender's body for dissection, when.

SEC. 5340. The court before which any person is convicted of murder, may, in its discretion, add to the judgment of death, that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person by him appointed, shall receive and take away the body at the time of execution.

Manslaughter.

SEC. 5341. Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, unlawfully and willfully, but without malice, strikes, stabs, wounds, or shoots at, or otherwise injures another, of which striking, stabbing, wounding, shooting, or other injury such other person dies, either on land or sea, within or without the United States, is guilty of the crime of manslaughter.

Attempt to commit murder or manslaughter.

SEC. 5342. Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, attempts to commit the crime of murder or manslaughter, by any means not constituting the offense of assault with a dangerous weapon, shall be punished by imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars.

Punishment of manslaughter.

SEC. 5343. The punishment of manslaughter shall be imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars, except as otherwise specially provided by law.

Officers and owners of steamboats through whose misconduct, &c., life is lost, guilty of manslaughter.

SEC. 5344. Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel, the life of any person is destroyed, and every owner, inspector, or other public officer, through whose fraud, connivance, misconduct, or violation of law, the life of any person is destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court of the United States, shall be sentenced to confinement at hard labor for a period of not more than ten years.

Rape.

SEC. 5345. Every person who, within any of the places or upon any of the waters specified in section fifty-three hundred and thirty-nine, commits the crime of rape shall suffer death.

Assault with a dangerous weapon.

SEC. 5346. Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, on board any vessel belonging in whole or part to the United States, or any citizen thereof, with a dangerous weapon, or with intent to perpetrate any felony, commits an assault on another shall be

punished by a fine of not more than three thousand dollars, and by imprisonment at hard labor not more than three years.

Maltreatment of crew by officers of vessels.

SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, from malice, hatred, or revenge, and without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both.

SEC. 5348. Every person who, within any of the places upon the land under the exclusive jurisdiction of the United States, or who, upon the high seas, in any vessel belonging to the United States, or to any citizen thereof, maliciously cuts off the ear, cuts out or disables the tongue, puts out an eye, slits the nose, cuts off the nose or lip, or cuts off or disables any limb or member of any person, with intent to main or disfigure such person, shall be imprisoned at hard labor not more than seven years, and fined not more than one thousand dollars.

MUTINY, &c.

Art.
4. Mutiny in the Navy.

Sec.
5359. Inciting revolt or mutiny on shipboard.
5360. Revolt and mutiny on shipboard.

ART. 4. The punishment of death, or such other punishment as a court-martial may adjudge, may be inflicted on any person in the naval service—

Title 15, Chap. 10.

Mutiny in the Navy.

First. Who makes, or attempts to make, or unites with any mutiny or mutinous assembly, or, being witness to or present at any mutiny, does not do his utmost to suppress it; or, knowing of any mutinous assembly or of any intended mutiny, does not immediately communicate his knowledge to his superior or commanding officer;

* * * * * * *

Title 70, Chap. 3.

Inciting revolt or mutiny on shipboard.

SEC. 5359. If any one of the crew of any American vessel on the high seas, or other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master, or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master, or other commanding officer thereof, he shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both such fine and imprisonment.

Revolt and mutiny on shipboard.

SEC. 5360. If any one of the crew of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, he is guilty of a revolt and mutiny, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor not more than ten years.

NATURALIZATION.

Sec.
2165. Aliens, how naturalized.
2166. Aliens honorably discharged from military service.
2167. Minor residents.
2168. Widow and children of declarants.
2169. Aliens of African nativity and descent.
2170. Residence of five years in United States.
2171. Alien enemies not admitted.
2172. Children of persons naturalized under certain laws to be citizens.
2173. Police court of District of Columbia has no power to naturalize foreigners.
2174. Naturalization of seamen.
5395. Taking false oath.

Title 30.

Aliens, how naturalized.

Declaration of intention.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a

court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Oath to support the Constitution of the United States.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Residence in United States, or States, and good moral character.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Titles of nobility to be renounced.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Persons residing in the United States before 29 January, 1795.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Persons residing between 18 June, 1798, and 18 June, 1812.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be

stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Aliens honorably discharged from military service.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

Minor residents.

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona-fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

Widow and children of declarants.

SEC. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths proscribed* by law.

Aliens of African nativity and descent.

SEC. 2169. The provisions of this Title shall apply to aliens† of African nativity and to persons of African descent.

Residence of five years in United States.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

Alien enemies not admitted.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Children of persons naturalized under certain laws to be citizens.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the

* Error in the roll; should be *prescribed*.
† "*Being free white persons, and to aliens*," to be inserted; act of February 18, 1875.

Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

Police court of District of Columbia has no power to naturalize foreigners.

SEC. 2173. The police court of the District of Columbia shall have no power to naturalize foreigners.

Naturalization of seamen.

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

Title 70, Chap. 4.

Taking false oath in naturalization.

SEC. 5395. In all cases where any oath or affidavit is made or taken under or by virtue of any law relating to the naturalization of aliens, or in any proceedings under such laws, any person taking or making such oath or affidavit who knowingly swears falsely, shall be punished by imprisonment not more than five years, nor less than one year, and by a fine of not more than one thousand dollars. [See §§ 2165–2174; also 5424–5425, CITIZENSHIP.]

NAUTICAL ALMANAC.

Title 10.

Nautical Almanac.

SEC. 436. The Secretary of the Navy may place the supervision of the Nautical Almanac in charge of any officer or professor of mathematics in the Navy who is competent for that service. Such officer or professor, when so employed, shall be entitled to receive the shore-duty pay of his grade, and no other.

NAVY DEPARTMENT.

See DEPARTMENT OF THE NAVY.

NAVAL ACADEMY.

Sec.
1483. Rank of graduates of the Academy.
1511. Where established.
1512. Title of students.
1513. Number of cadet-midshipmen.
1514. Nomination of candidates.
1515. Examination of candidates.
1516. Second recommendation.
1517. Qualifications.
1518. Appropriations, how applied.
1519. Cadet-midshipmen found deficient.
1520. Academic course.
1521. Promotion to midshipmen.
1522. Cadet-engineers.
1523. Number and appointment of.
1524. Academic course of.
1525. Examinations of.
1526. Studies not to be pursued on Sunday.
1527. Store-keeper at the Academy.
1528. Professors of ethics, Spanish, and drawing.
1556. Pay of cadets, &c.
1577. Rations.
—— Prevention of hazing.

Title 45, Chap. 4.

Rank of graduates of Naval Academy.

SEC. 1483. Graduates of the Naval Academy shall take rank according to their proficiency as shown by their order of merit at the date of graduation.

Title 15, Chap. 5.

Where established.

SEC. 1511. The Naval Academy shall be established at Annapolis, in the State of Maryland.

Title of students.

SEC. 1512. The students at the Naval Academy shall be styled cadet midshipmen.

Number of cadet-midshipmen.

SEC. 1513. There shall be allowed at said Academy one cadet midshipman for every Member or Delegate of the House of Representatives, one for the District of Columbia, and ten appointed annually at large.

Nomination of candidates.

SEC. 1514. The Secretary of the Navy shall, as soon after the 5th of March in each year as possible, notify, in writing, each Member and

Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by the first day of July of that year; but if it is not made by that time, the Secretary of the Navy shall fill the vacancy. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President.

Examination of candidates.

SEC. 1515. All candidates for admission into the Academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class, unless recommended by the board of examiners.

Second recommendation.

SEC. 1516. When any candidate who has been nominated upon the recommendation of a Member or Delegate of the House of Representatives is found, upon examination, to be physically or mentally disqualified for admission, the Member or Delegate shall be notified to recommend another candidate, who shall be examined according to the provisions of the preceding section.

Qualifications.

SEC. 1517. Candidates allowed for congressional districts, for Territories, and for the District of Columbia must be actual residents of the districts or Territories, respectively, from which they are nominated. And all candidates must, at the time of their examination for admission, be between the ages of fourteen and eighteen years, and physically sound, well formed, and of robust constitution.

Appropriations, how applied.

SEC. 1518. No money appropriated for the support of the Naval Academy shall be applied to the support of any midshipman appointed otherwise than in strict conformance with the provisions of this chapter.

Cadet-midshipmen found deficient.

SEC. 1519. Cadet midshipmen found deficient at any examination shall not be continued at the Academy or in the service unless upon the recommendation of the academic board.

Academic course.

SEC. 1520. The academic course of cadet midshipmen shall be six years.

Promotion to midshipmen.

SEC. 1521. When cadet midshipmen shall have passed successfully the graduating examination at the Academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

Cadet engineers.

SEC. 1522. The Secretary of the Navy is authorized to make provision, by regulations issued by him, for educating at the Naval Academy, as naval constructors or steam engineers, such midshipmen and others as may show a peculiar aptitude therefor. He may, for this purpose, form a separate class at the Academy, to be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for said professions.

Number and appointment of.

SEC. 1523. Cadet engineers shall be appointed by the Secretary of the Navy. They shall not at any time exceed fifty in number,* and no persons, other than midshipmen, shall be eligible for appointment unless they shall first produce satisfactory evidence of mechanical skill and proficiency, and shall have passed an examination as to their mental and physical qualifications.

Academic course of.

SEC. 1524. The course for cadet engineers shall be four years, including two years of service on naval steamers.†

Examinations of.

SEC. 1525. Cadet engineers shall be examined from time to time, according to regulations prescribed by the Secretary of the Navy, and if found deficient at any examination, or if dismissed for misconduct, they

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* SEC. 3. That so much of the act entitled "An act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam-engineers, and for other purposes," approved July fourth, eighteen hundred and sixty-four, as provides that cadet-engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy, is hereby repealed; and cadet-engineers shall hereafter be appointed annually by the Secretary of the Navy, and the number appointed each year shall not exceed twenty-five; and that all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.
Approved, June 22, 1874.

† SEC. 2. That from and after the thirtieth day of June, eighteen hundred and seventy-four, the course of instruction at the Naval Academy for cadet-engineers shall be four years, instead of two as now provided by law; and this provision shall first apply to the class of cadet-engineers entering the academy in the year eighteen hundred and seventy-four, and to all subsequent classes; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed.
Approved, February 24, 1874.

shall not be continued in the Academy or in the service except upon the recommendation of the academic board.

SEC. 1526. The Secretary of the Navy shall arrange the course of studies and the order of recitations at the Naval Academy so that the students in said institution shall not be required to pursue their studies on Sunday. Studies not to pursued on Sunday.

SEC. 1527. The store-keeper at the Naval Academy shall be detailed from the Paymaster's Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen and cadet engineers in the same manner as supplies are furnished to the Navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy. Store-keeper at the academy.

SEC. 1528. Three professors of mathematics shall be assigned to duty at the Naval Academy, one as professor of ethics and English studies, one as professor of the Spanish language, and one as professor of drawing. Professors of ethics, Spanish, and drawing.

SEC. 1556. Midshipmen, after graduation, when at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars. Title 15, Chap. 8.

Pay of midshipmen.

Cadet midshipmen, five hundred dollars. Cadet-midshipmen.

Cadet engineers, before final academic examination, five hundred dollars. Cadet-engineers.

After final academic examination, and until warranted as assistant engineers when on duty at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave or waiting orders, six hundred dollars.

Secretary of the Naval Academy, one thousand eight hundred dollars. Secretary.

Clerks to paymasters at the Naval Academy and Naval Asylum, one thousand three hundred dollars. Paymasters' clerk.

SEC. 1577. Midshipmen, and acting midshipmen in the Navy, shall be entitled to one ration, or to commutation therefor.* Rations to midshipmen, &c.

An Act to prevent hazing at the Naval Academy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases when it shall come to the knowledge of the superintendent of the Naval Academy, at Annapolis, that any cadet-midshipman or cadet-engineer has been guilty of the offense commonly known as hazing, it shall be the duty of said superintendent to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any cadet-midshipman or cadet-engineer found guilty of said offense by said court shall, upon recommendation of said court be dismissed; and such finding, when approved by said superintendent, shall be final; and a cadet so dismissed from said Naval Academy shall be forever ineligible to reappointment to said Naval Academy. June 23, 1874.

Hazing at the Naval Academy.

Offenders to be court-martialed.

If guilty, to be dismissed.

To be forever ineligible to appointment.

Approved, June 23, 1874.

NAVAL CONSTRUCTORS AND ASSISTANT NAVAL CONSTRUCTORS.

Sec.
1402. Naval constructors, number and appointment of.
1403. Assistant naval constructors.
1404. Duty.
1477. Rank.
1556. Pay.

SEC. 1402. The President, by and with the advice and consent of the Senate, may appoint naval constructors, who shall have rank and pay as officers of the Navy. Title 15, Chap. 1.

Naval constructors, number and appointment of.

SEC. 1403. Cadet-engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be immediately appointed as assistant naval constructors. [See § 1522, NAVAL ACADEMY.] Assistant naval constructors.

SEC. 1404. Naval constructors may be required to perform duty at any navy-yard or other station. Duty.

SEC. 1477. Of the naval constructors, two shall have the relative rank of captain, three of commander, and all others that of lieutenant-com- Title 15, Chap. 4.

* The commutation-price of the ration is thirty cents; cadet-engineers also are allowed a ration.

mander or lieutenant. Assistant naval constructors shall have the relative rank of lieutenant or master.

Title 15, Chap. C.

Pay of naval constructors.

SEC. 1556. Naval constructors, during the first five years after date of appointment, when on duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand two hundred dollars; during the second five years after such date, when on duty, three thousand four hundred dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when on duty, three thousand seven hundred dollars; on leave, or waiting orders, two thousand seven hundred dollars; during the fourth five years after such date, when on duty, four thousand dollars; on leave or waiting orders, three thousand dollars; after twenty years from such date, when on duty, four thousand two hundred dollars; on leave, or waiting orders, three thousand two hundred dollars.

Pay of assistant naval constructors.

Assistant naval constructors, during the first four years after date of appointment, when on duty, two thousand dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second four years after such date, when on duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand seven hundred dollars; after eight years from such date, when on duty, two thousand six hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

NAVAL OBSERVATORY.

Sec.
434. Pay of superintendent.
435. Meridians adopted.

Title 10.

Naval Observatory.

SEC. 434. The officer of the Navy employed as superintendent of the Naval Observatory at Washington shall be entitled to receive the shore-duty pay of his grade, and no other.

Meridians.

SEC. 435. The meridian of the Observatory at Washington shall be adopted and used as the American meridian for all astronomical purposes, and the meridian of Greenwich shall be adopted for all nautical purposes.

NAVAL STORE-KEEPERS.

See under CIVIL ENGINEERS.

NAVY HOSPITALS.

Sec.
4807. Superintendence of Navy hospitals.
4808. Deductions from pay of seamen, &c., for Navy-hospital fund.
4809. Appropriation of fines.
4810. Purchase and erection of Navy hospitals.
4811. Government of Naval Asylum.
4812. Allowance of rations to Navy hospitals.
4813. Allowance from pensions.

Title 59, Chap. I.

Superintendence of Navy hospitals.

SEC. 4807. The Secretary of the Navy shall have the general charge and superintendence of Navy hospitals.

Deduction from pay of seamen, &c., for Navy hospital fund.

SEC. 4808. The Secretary of the Navy shall deduct from the pay due each officer, seaman and marine, in the Navy, at the rate of twenty cents per month for each person, to be applied to the fund for Navy hospitals.

Appropriation of fines.

SEC. 4809. All fines imposed on navy officers, seamen, and marines shall be paid to the Secretary of the Navy, for the maintenance of Navy hospitals.

Purchase and erection of Navy hospitals.

SEC. 4810. The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site, shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions, when the funds permit and circumstances require; and shall provide, at one of the establishments, a permanent asylum for disabled and decrepit Navy officers, seamen, and marines.

Government of Naval Asylum.

SEC. 4811. The asylum for disabled and decrepit Navy officers, seamen, and marines shall be governed in accordance with the rules and regulations prescribed by the Secretary of the Navy.*

* *National Home for Disabled Volunteer Soldiers.*

SEC. 4832. * * * Volunteer soldiers and sailors of the war of eighteen hundred and twelve and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received or sickness contracted in the line of their duty; and such of these as have neither wife, child, nor parent dependent upon them, on becoming inmates of this home, or receiving relief therefrom, shall assign thereto their pensions when required by the board of managers, during the time they shall remain therein or receive its benefits. [These homes are at Augusta, Me., Milwaukee, Wis., Dayton, Ohio, Knightstown, Ind., and Hampton, Va.]

Allowance of rations to Navy hospitals.

SEC. 4812. For every Navy officer, seaman, or marine admitted into a Navy hospital, the institution shall be allowed one ration per day during his continuance therein, to be deducted from the account of the United States with such officer, seaman, or marine.

Allowance from pension.

SEC. 4813. Whenever any Navy officer, seaman, or marine, entitled to a pension, is admitted to a Navy hospital, the pension, during his continuance in the hospital, shall be paid to the Secretary of the Navy and deducted from the account of such pensioner.

NAVY-YARDS.

Sec.
355. Title to land to be purchased.
1416. Civil officers at yards may be discontinued.
1542. Commandants of navy-yards.
1543. Master-workmen.
1544. Laborers, how selected.
1545. Salaries; per diem compensation.
1546. Requiring contributions for political purposes at navy-yards.
1838. Land purchased for yards.
3738. Eight hours a day's labor.
—— Settlement of accounts under eight-hour law.

Title 8.

Title to land to be purchased by the United States.

SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney-General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the Departments, upon the application of the Attorney-General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the Departments respectively.

Title 15, Chap. 1.

Civil officers at yards may be discontinued by Secretary of the Navy.

SEC. 1416. The Secretary of the Navy is authorized, when in his opinion the public interest will permit it, to discontinue the office or employment of any measurer and inspector of timber, clerk of the yard, clerk of the commandant, clerk of the store-keeper, clerk of the naval constructor, and the keeper of the magazine employed at any navy-yard, and to require the duties of the keeper of the magazine to be performed by gunners.

Title 15, Chap. 8.

Commandants of navy-yards.

SEC. 1542. The President may select the commandants of the several navy-yards from officers not below the grade of commander.

Master-workmen.

SEC. 1543. The persons employed at the several navy-yards to superintend the mechanical departments, and heretofore known as master mechanics, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sail-makers, master plumbers, master painters, master calkers, master masons, master boat-builders, master spar-makers, master block-makers, master laborers, and the superintendents of rope-walks, shall be men skilled in their several duties and appointed from civil life, and shall not be appointed from the officers of the Navy.

Laborers, how selected.

SEC. 1544. Laborers shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.

Salaries; per diem compensation.

SEC. 1545. Salaries shall not be paid to any employés in any of the navy-yards, except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.

Requiring contributions for political purposes at navy-yards.

SEC. 1546. No officer or employé of the Government shall require or request any working man in any navy-yard to contribute or pay any money for political purposes, nor shall any working man be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Title 22.

Assent of States to purchase of lands for forts, &c.

SEC. 1838. The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, without such consent having been obtained.

Title 43.

Eight hours a day's labor.

SEC. 3738. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States. [See § 3689, under APPROPRIATIONS.]

May 23, 1872.

SEC. 2. That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the twenty-fifth day of June, eighteen hundred and sixty-eight, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the nineteenth day of May, eighteen hundred and sixty-nine, the date of the proclamation of the President concerning such pay, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved, May 23, 1872.

NEUTRALITY.

Sec.
5281. Accepting a foreign commission.
5282. Enlisting in foreign service.
5283. Arming vessels against people at peace with the United States.
5284. Arming vessels to cruise against citizens of the United States.
5285. Augmenting force of foreign vessel of war.
5286. Military expeditions against people at peace with United States.
5287. Enforcement of foregoing provisions.
5288. Compelling foreign vessels to depart.
5289. Armed vessels to give bond on clearance.
5290. Detention by collectors of customs.
5291. Construction of this Title.
—— Amending sec. 5287.

Title 67.

Accepting a foreign commission.

SEC. 5281. Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and imprisoned not more than three years.

Enlisting in foreign service.

SEC. 5282. Every person who, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, shall be deemed guilty of high misdemeanor, and shall be fined not more than one thousand dollars, and imprisoned not more than three years.

Arming vessels against people at peace with the United States.

SEC. 5283. Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming, of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or who issues or delivers a commission within the territory or jurisdiction of the United States, for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years. And every such vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one-half to the use of the informer, and the other half to the use of the United States.

Arming vessels to cruise against citizens of the United States.

SEC. 5284. Every citizen of the United States who, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming any private vessel of war, or privateer, with intent that such vessel shall be employed to cruise, or commit hostilities, upon the citizens of the United States, or their property, or who takes the command of, or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel, with a view

to share in the profits thereof, shall be deemed guilty of a high misdemeanor, and fined not more than ten thousand dollars, and imprisoned not more than ten years. And the trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

Augmenting force of foreign vessel of war.

SEC. 5285. Every person who, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be deemed guilty of a high misdemeanor, and shall be fined not more than one thousand dollars and be imprisoned not more than one year.

Military expeditions against people at peace with the United States.

SEC. 5286. Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.

Enforcement of foregoing provisions.

SEC. 5287.* In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this Title; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to the execution of the prohibitions and penalties of this Title, and to the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

Compelling foreign vessels to depart.

SEC. 5288. It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

Armed vessels to give bond on clearance.

SEC. 5289. The owners or consignees of every armed vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign

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* *Amendatory act.* Section five thousand two hundred and eighty-seven is amended by inserting, as the first sentence thereof, the following words: "The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof."

Approved, February 18, 1875.

prince or state, or of any colony, district, or people, with whom the United States are at peace.

Detention by collectors of customs.

SEC. 5290. The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section.

Construction of this Title.

SEC. 5291. The provisions of this Title shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people who is transiently within the United States, and enlists or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people, who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district, or people, on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States.

NEWSPAPERS, PERIODICALS, &c.

Sec.
192. Expenditure for newspapers.
1779. Restriction on payments for newspapers.

Title 4.

Expenditure for newspapers.

SEC. 192. The amount expended in any one year for newspapers, for any Department, except the Department of State, including all the Bureaus and offices connected therewith, shall not exceed one hundred dollars. And all the newspapers purchased with the public money for the use of either of the Departments must be preserved as files for such Department.

Title 19.

Restriction upon payments for newspapers, &c.

SEC. 1779. No executive officer, other than the heads of Departments, shall apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.

OATH OF OFFICE.

Sec.
1756. Form of oath of office.
1757. Oath for certain persons.
1758. Who may administer oath.
1759. Custody of oath.

Title 19.

Form of oath of office.

SEC. 1756. Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath: "I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

Oath for certain persons.

SEC. 1757. Whenever any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Who may administer oath.

SEC. 1758. The oath of office required by either of the two preceding sections may be taken before any officer who is authorized either by the laws of the United States, or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered.

Custody of oath.

SEC. 1759. The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six, or of section seventeen hundred and fifty-seven, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain.

PASSPORTS.

Sec.
212. Duty of clerk State Department.
4075. Passports, how granted.
4076. To be issued to citizens only.
4077. Returns of passports issued.
4078. False passports.
—— Fee for passports.

Title 5.

Duty of clerk State Department.

SEC. 212. The clerk in the Department of State who may from time to time be assigned to the duty of examining applications for passports is authorized to receive and attest, but without charge to the affiant, all oaths or affidavits required by law or by the rules of the Department of State to be made before granting passports. [See June 20, 1874.]

Title 47.

Passports, how granted.

SEC. 4075. The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States; and no other person shall grant, issue, or verify any such passport. Where a legation of the United States is established in any country, no person other than the diplomatic representative of the United States at such place shall be permitted to grant or issue any passport, except in the absence therefrom of such representative.

To be issued to citizens only.

SEC. 4076. No passport shall be granted or issued to or verified for any other persons than citizens of the United States.

Returns of passports issued.

SEC. 4077. All persons who shall be authorized to grant, issue, or verify passports, shall make return of the same to the Secretary of State, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport.

False passports.

SEC. 4078. If any person acting, or claiming to act, in any office or capacity, under the United States, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, he shall be imprisoned for not more than one year, or fined not more than five hundred dollars, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.*

* See section 4062, FOREIGN AFFAIRS, as to penalty for violating passports.

[From legislative appropriation act.]

June 29, 1874. That from and after the first day of July next a fee of five dollars shall be collected for each citizen's passport issued from the Department. An account of these fees shall be kept, and the amount collected shall be paid into the Treasury of the United States at least quarterly. Approved June 20, 1874.

Pas port fees to be collected.

Account to be kept, &c.

PAY.

Sec.
1556. Pay of officers.
1557. Furlough pay.
1558. No additional allowances except as herein specified.
1559. Volunteer service.
1560. Commencement of pay, original entry.
1561. Commencement of pay of promoted officers.
1562. In cases of delayed examination.
1563. Advances to persons on distant stations.
1565. Chiefs of Bureaus.
1567. Officers serving as store-keepers on foreign stations.
1568. Civilians store-keepers on foreign stations.
1592. Retired officers on active duty.
1593. Retired officers on furlough.

SEC. 1556. Pay of officers. [See under each corps or grade.]

Title 15, Chap. 8.

Furlough pay.

SEC. 1557. Officers on furlough shall receive only one-half of the pay to which they would have been entitled if on leave of absence.

No additional allowances, except as herein specified.

SEC. 1558. The pay prescribed in the two preceding sections shall be the full and entire compensation of the several officers therein named, and no additional allowance shall be made in favor of any of said officers on any account whatever, except as hereinafter provided.

Volunteer service.

SEC. 1559. When a volunteer naval service is authorized by law, the officers therein shall be entitled to receive the same pay as officers of the same grades, respectively, in the Regular Navy.

Commencement of pay, original entry.

SEC. 1560. The pay of an officer of the Navy, upon his original entry into the service, except where he is required to give an official bond, shall commence upon the date of his acceptance of his appointment; but where he is required to give such bond his pay shall commence upon the date of the approval of his bond by the proper authority.

Commencement of pay of promoted officers.

SEC. 1561. When an officer is promoted in course to fill a vacancy, and is in the performance of the duties of the higher grade from the date he is to take rank, he may be allowed the increased pay from such date.

In cases of delayed examination.

SEC. 1562. If an officer of a class subject to examination before promotion shall be absent on duty, and by reason of such absence, or of other cause not involving fault on his part, shall not be examined at the time required by law or regulation, and shall afterward be examined and found qualified, the increased rate of pay to which his promotion would entitle him shall commence from the date when he would have been entitled to it had he been examined and found qualified at the time so required by law or regulation; and this rule shall apply to any cases of this description which may have heretofore occurred. And in every such case the period of service of the party, in the grade to which he was promoted, shall, in reference to the rate of his pay, be considered to have commenced from the date when he was so entitled to take rank. [See § 1495, under PROMOTION.]

Advances to persons on distant stations.

SEC. 1563. The President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the naval service as may be employed on distant stations where the discharge of the pay and emoluments to which they are entitled cannot be regularly effected.

Chiefs of Bureaus.

SEC. 1565. The pay of chiefs of Bureaus in the Navy Department shall be the highest pay of the grade to which they belong, but not below that of commodore.

Officers serving as store-keepers on foreign stations.

SEC. 1567. Officers who are ordered to take charge of naval stores for foreign squadrons, in the place of naval storekeepers, shall be entitled to receive, while so employed, the shore-duty pay of their grades; and when the same is less than fifteen hundred dollars a year, they may be allowed compensation, including such shore-duty pay, at a rate not exceeding fifteen hundred dollars a year.

Civilians store-keepers on foreign stations.

SEC. 1568. Civilians appointed as storekeepers on foreign stations shall receive compensation for such services at a rate not exceeding fifteen hundred dollars a year.

SEC. 1592. Officers on the retired list, when on active duty, shall receive the full pay of their respective grades. Pay of retired officers on active duty.

SEC. 1593. Officers placed on the retired list, on furlough pay, shall receive only one-half of the pay to which they would have been entitled if on leave of absence on the active list. Officers retired on furlough pay.

PAY CORPS.

See also ACCOUNTS and DISBURSING OFFICERS.

Sec.
1376. Pay Corps, number of.
1377. No promotion in certain grades, until number is reduced.
1378. Appointments, how made.
1379. Qualifications of assistant paymasters.
1380. Order of promotion.
1381. Acting appointments on ships at sea.
1382. Paymaster of the fleet.
1383. Bonds.
1384. New bonds.
1385. Bond, not affected by new commission.
1386. Clerks, when allowed.
1387. Clerks, when not allowed.
1388. Clerks of passed assistant and assistant paymasters.
1389. Loans to officers by paymasters.
1432. Commanding officers not required to act as paymasters.
1475. Rank.
1556. Pay.
1564. Vacancies occurring at sea.

SEC. 1376. The active list of the Pay Corps of the Navy shall consist of thirteen pay directors, thirteen pay inspectors, fifty paymasters, thirty passed assistant paymasters, and twenty assistant paymasters. Pay Corps, number of.

SEC. 1377. Until the number of passed assistant paymasters shall have been reduced below thirty, there shall be no promotion to that grade, nor any appointment to the grade of assistant paymaster.* No promotion in certain grades until number is reduced.

SEC. 1378. All appointments in the Pay Corps shall be made by the President, by and with the advice and consent of the Senate. Appointments, how made.

SEC. 1379. No person shall be appointed assistant paymaster who is, at the time of such appointment, less than twenty-one or more than twenty-six years of age; nor until his physical, mental, and moral qualifications have been examined and approved by a board of paymasters appointed by the Secretary of the Navy, and according to such regulations as he may prescribe. Qualifications of assistant paymasters.

SEC. 1380. Passed assistant paymasters shall be regularly promoted and commissioned from assistant paymasters, and paymasters from passed assistant paymasters; subject to such examinations as may be prescribed by the Secretary of the Navy. Order of promotion.

SEC. 1381. When the office of paymaster or assistant paymaster becomes vacant, by death or otherwise, in ships at sea, or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person, who shall perform the duties thereof until another paymaster or assistant paymaster shall report for duty, and shall be entitled to receive the pay of such grade while so acting. Acting appointments on ships at sea.

SEC. 1382. The President may designate among the paymasters in the service, and appoint to every fleet or squadron a paymaster, who shall be denominated "paymaster of the fleet." Paymasters of the fleet.

SEC. 1383. Every paymaster, passed assistant paymaster, and assistant paymaster shall, before entering on the duties of his office, give bond, with two or more sufficient sureties, to be approved by the Secretary of the Navy, for the faithful performance thereof. Paymasters shall give bonds in the sum of twenty-five thousand dollars, passed assistant paymasters in the sum of fifteen thousand dollars, and assistant paymasters in the sum of ten thousand dollars. Bonds.

SEC. 1384. Officers of the Pay Corps shall give new bonds with sufficient sureties, whenever required to do so by the Secretary of the Navy. New bonds.

SEC. 1385. The issuing of a new appointment and commission to any officer of the Pay Corps shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission. Bond, not affected by a new commission.

SEC. 1386. Paymasters of the fleet, paymasters on vessels having complements of more than one hundred and seventy-five persons, on supply-steamers, store-vessels, and receiving-ships, paymasters at stations and at the Naval Academy, and paymasters detailed at stations as inspectors of provisions and clothing, shall each be allowed a clerk. Clerks, when allowed.

SEC. 1387. No paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply-steamers and store-vessels. Clerks, when not allowed.

*Accomplished.

Clerks of passed assistant and assistant paymasters.

SEC. 1388. Passed assistant paymasters and assistant paymasters attached to vessels of war shall be allowed clerks, if clerks would be allowed by law to paymasters so attached.

Loans to officers by paymasters

SEC. 1389. It shall not be lawful for any paymaster, passed assistant paymaster, or assistant paymaster, to advance or loan, under any pretense whatever, to any officer in the naval service, any sum of money, public or private, or any credit, or any article or commodity whatever.

Title 15, Chap. 2.

Acting as paymasters.

SEC. 1432. No commanding officer of any vessel of the Navy shall be required to perform the duties of a paymaster, passed assistant paymaster, or assistant paymaster.

Title 15, Chap. 4.

Rank.

SEC. 1475. Officers of the Pay Corps on the active list of the Navy shall have relative rank as follows:

Pay directors, the relative rank of captain.

Pay inspectors, the relative rank of commander.

Paymasters, the relative rank of lieutenant-commander or lieutenant.

Passed assistant paymasters, the relative rank of lieutenant or master.

Assistant paymasters, the relative rank of master or ensign.

Title 15, Chap. 8.

Pay of fleet paymasters.

SEC. 1556. * * * Fleet paymasters, * * * four thousand four hundred dollars.

Pay directors and inspectors.

* * * Pay directors and pay inspectors, * * * when on duty at sea, four thousand four hundred dollars.

Paymasters.

* * * Paymasters, during the first five years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave or waiting orders, two thousand dollars; during the second five years after such date, when at sea, three thousand two hundred dollars; on shore duty, two thousand eight hundred dollars; on leave or waiting orders, two thousand four hundred dollars; during the third five years after such date, when at sea, three thousand five hundred dollars; on shore duty, three thousand two hundred dollars; on leave or waiting orders, two thousand six hundred dollars; during the fourth five years after such date, when at sea, three thousand seven hundred dollars; on shore duty, three thousand six hundred dollars; on leave or waiting orders, two thousand eight hundred dollars; after twenty years from such date, when at sea, four thousand two hundred dollars; on shore duty, four thousand dollars; on leave or waiting orders, three thousand dollars.

Passed assistant paymasters.

* * * Passed assistant paymasters, * * * during the first five years after date of appointment, when at sea, two thousand dollars; on shore duty, one thousand eight hundred dollars; on leave or waiting orders, one thousand five hundred dollars; after five years from such date, when at sea, two thousand two hundred dollars; on shore duty, two thousand dollars; on leave or waiting orders, one thousand seven hundred dollars.

Assistant paymast

* * * Assistant paymasters, * * during the first five years after date of appointment, when at sea, one thousand seven hundred dollars; on shore duty, one thousand four hundred dollars; on leave or waiting orders, one thousand dollars; after five years from such date, when at sea, one thousand nine hundred dollars; on shore duty, one thousand six hundred dollars; on leave or waiting orders, one thousand two hundred dollars.

Person acting as paymaster, when office vacant in ship at sea

SEC. 1564. Any person performing the duties of paymaster, acting assistant paymaster, or assistant paymaster, in a ship at sea, or on a foreign station, or on the Pacific coast of the United States, by appointment of the senior officer present, in case of vacancy of such office, in accordance with the provisions of section thirteen hundred and eighty-one, and not otherwise, shall be entitled to receive the pay of such grade while so acting.

PENSIONS.

Sec.
4692. Who may have pensions.
4693. Classes enumerated.
4694. Pensions for wounds received or diseases contracted only in line of duty, &c.
4695. Rates of pension for total disability.
4696. Pension according to rank.
4697. Pensions for permanent specific disability prior to June 4, 1872.
4698. After June 4, 1872.
4698½. Increase of pensions.
4699. Pension for disability not otherwise provided for.
4700. Absentees.
4701. Period of service, how construed.
4702. Pensions to widows, or to children under sixteen years, &c.
4703. Increased pension to widows, &c.
4704. What children deemed legitimate.
4705. Widows of colored and Indian soldiers, &c.
4706. Abandonment, &c., by widow.
4707. Succession of dependent relatives.
4708. Remarriage.
4709. Commencement of pensions after March 4, 1861.
4710. When pension deemed to have accrued.
4711. Arrears of pension.
4712. Provisions of pension-laws extended.
4713. Commencement of pensions for prior wars.
4714. Declaration of claimants.
4715. Only one pension at a time.
4716. Loyalty.
4717. Claims to be prosecuted within what time.
4718. Accrued pensions.
4719. Unclaimed pensions.
4720. Pensions under special acts of Congress.
4723. Colored soldiers enrolled as slaves.
4724. Both pension and pay not allowed, unless, &c.
4725. Half-pay to widows under laws prior to June 3, 1858.
4726. To widow for life and to children under sixteen, &c.
4727. Half-monthly pay not to exceed that of lieutenant-colonel.
4728. Navy pensions.
4729. Naval pensions to widows and children.
4730. Pensions to soldiers of Mexican war.
4731. Widows and children of Mexican war pensioners.
Sec.
4732. Widows and children of pensioners of war 1812, and Indian wars.
4733. Continuance of pensions.
4734. Pensions not to be withheld.
4735. Time for which a widow shall not receive a pension.
4736. Pensions to certain soldiers of the war of 1812.
4737. Pensions to be at what rate, &c.
4738. Pensions to surviving widows of officers, &c., of war of 1812.
4739. Proof required; names may be stricken from pension-rolls.
4740. Loss of certificate of discharge, &c.
4741. Pension to officers and seamen of revenue-cutters.
4745. Any pledge or transfer of pension void.
4746. Penalty for false affidavit and post-dating vouchers.
4747. Pensions not liable to attachment.
4748. Commissioner to furnish printed instructions free of charge.
4756. Half-rating to disabled enlisted persons serving twenty years in Navy or Marine Corps.
4757. Serving not less than ten years, may receive what aid.
4768. Certificate of pension; fee of attorney.
4769. Pension agent to deduct attorney's fee.
4771. Biennial examinations, &c.
4772. More frequent examinations.
4773. Biennial examination by unappointed civil surgeons.
4774. Boards of examining surgeons.
4775. Special examinations.
4776. Medical referee and examining surgeons.
4777. Appointment of civil examining surgeons authorized.
4784. Pension-agents, &c., to take affidavits without fee.
4785. Fees of attorney for prosecuting claims.
4786. Agreement for amount of fee to be filed.
5485. Attorney for pensions demanding more than legal fee, &c.
5486. Embezzlement of pension by guardian.
5487. Pension-agent taking fee, &c.
—— Equalization of pensions.
—— Increase of pensions to disabled soldiers and sailors.
—— Increase of pension to totally disabled soldiers and sailors.

Title 57.

Who may have pensions.

SEC. 4692. Every person specified in the several classes enumerated in the following section, who has been, since the fourth day of March, eighteen hundred and sixty-one, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided, and continue during the existence of the disability.

Classes enumerated.

SEC. 4693. The persons entitled as beneficiaries under the preceding section are as follows:

Officers of Army and Navy, and enlisted men, &c.

First. Any officer of the Army, including regulars, volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty.

Master, &c., serving on gunboat, &c.

Second. Any master serving on a gun-boat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gun-boat or war-vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated while in the line of duty, for procuring his subsistence by manual labor.

Volunteers, not enlisted, &c.

Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or non-enlisted person, on account of disability from wounds, or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the fourth day of July, eighteen hundred and seventy-four.

Acting assistant surgeon, &c.

Fourth. Any acting assistant or contract surgeon disabled by any wound or injury received or disease contracted in the line of duty while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, or in transitu, or in hospital.

Provost-marshal, &c.

Fifth. Any provost-marshal, deputy provost-marshal, or enrolling-officer disabled, by reason of any wound or injury, received in the discharge of his duty, to procure a subsistence by manual labor.

Pensions for wounds received or diseases contracted only in line of duty, &c.

SEC. 4694. No person shall be entitled to a pension by reason of wounds or injury received or disease contracted in the service of the United States subsequent to the twenty-seventh day of July, eighteen hundred and sixty-eight, unless the person who was wounded, or injured, or contracted the disease was in the line of duty; and, if in the military service, was at the time actually in the field, or on the march, or at some post, fort, or garrison, or en route, by direction of competent authority, to some post, fort, or garrison; or, if in the naval service, was at the time borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station, or hospital.

Rates of pension for total disability.

SEC. 4695. The pension for total disability shall be as follows, namely: For lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain, and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commanding and master commanding, in the naval service, thirty dollars per month; for major in the military service and in the Marine Corps, and lieutenant, surgeon, paymaster, and chief engineer, respectively ranking with lieutenant by law, and passed assistant surgeon in the naval service, twenty-five dollars per month; for captain in the military service and in the Marine Corps, chaplain in the Army, and provost-marshal, professor of mathematics, master, assistant surgeon, assistant paymaster and chaplain in the naval service, twenty dollars per month; for first lieutenant in the military service and in the Marine Corps, acting assistant or contract surgeon, and deputy provost-marshal, seventeen dollars per month; for second lieutenant in the military service and in the Marine Corps, first assistant engineer, ensign, and pilot in the naval service, and enrolling officer, fifteen dollars per month; for cadet-midshipman, passed midshipman, midshipmen, clerks of admirals and paymasters and of other officers commanding vessels, second and third assistant engineer, master's mate, and all warrant officers in the naval service, ten dollars per month; and for all other persons whose rank or office is not mentioned in this section, eight dollars per month; and the masters, pilots, engineers, sailors, and crews upon the gun-boats and war-vessels shall be entitled to receive the pension allowed herein to those of like rank in the naval service. [See § 4699.]

Pension according to rank.

SEC. 4696. Every commissioned officer of the Army, Navy, or Marine Corps shall receive such and only such pension as is provided in the preceding section, for the rank he held at the time he received the injury or contracted the disease which resulted in the disability, on account of which he may be entitled to a pension; and any commission or presidential appointment, regularly issued to such person, shall be taken to determine his rank from and after the date, as given in the body of the commission or appointment conferring said rank: *Provided*, That a vacancy existed in the rank thereby conferred; that the person commissioned was not disabled for military duty; and that he did not willfully neglect or refuse to be mustered.

Pensions for permanent specific disability prior to June 4, 1872.

SEC. 4697. For the period commencing July fourth, eighteen hundred and sixty-four, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who shall have lost both feet in the military or naval service and in the line of duty, shall be entitled to a pension of twenty dollars per month; for the same period those persons who, under like circumstances, shall have lost both hands or the sight of both eyes, shall be entitled to a pension of twenty-five dollars per month; and for the period commencing March third, eighteen hundred and sixty-five, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand and one foot, shall be entitled to a pension of twenty dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand or one foot, shall be entitled to a pension of fifteen dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who by reason of injury received or disease contracted in the military or naval service of the United States and in the line of duty, shall have been permanently and totally disabled in both hands, or who shall have lost the sight of one eye, the other having been previously lost, or who shall have been otherwise so totally and permanently disabled as to render them utterly helpless, or so nearly so as to require regular personal aid and attendance of another person, shall be entitled to a pension of twenty-five dollars per month; and for the same period those who under like circumstances shall have been totally and permanently disabled in both feet, or in one hand and one foot, or otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require regular personal aid and attention, shall be entitled to a pension of twenty dollars per month; and for the same period all persons who under like circumstances shall have been totally and permanenty disabled in one hand, or one foot, or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of fifteen dollars per month.

Pensions for permanent specific disabilities after June 4, 1872.

SEC. 4698. From and after June fourth, eighteen hundred and seventy-two, all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of thirty-one dollars and twenty-five cents per month;* and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month:† *Provided*, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they cannot use artificial limbs, shall be rated in the second class and receive twenty-four dollars per month from and after June fourth, eighteen hundred and seventy-two; and all persons who, under like circumstances, shall have lost the hearing of both ears, shall be entitled to a pension of thirteen dollars per month from the same date: *Provided*, That the pension for a disability not permanent, equivalent in degree to any provided for in this section, shall, during the continuance of the disability in such degree, be at the same rate as that herein provided for a permanent disability of like degree.

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* Increased to fifty dollars per month, by act of June 18, 1874, *post*.
† See act of June 18, 1874, *post*.

Increase of pensions.

SEC. 4698½. Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same made under the pending claim for increase; and in this, as well as all other cases, the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions.

Pensions for disability not otherwise provided for.

SEC. 4699. The rate of eighteen dollars per month may be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision.

Absentees.

SEC. 4700. Officers absent on sick-leave, and enlisted men absent on sick-furlough, or on veteran-furlough with the organization to which they belong, shall be regarded in the administration of the pension-laws in the same manner as if they were in the field or hospital.

Period of service, how construed.

SEC. 4701. The period of service of all persons entitled to the benefits of the pension-laws, or on account of whose death any person may become entitled to a pension, shall be construed to extend to the time of disbanding the organization to which such persons belonged, or until their actual discharge for other cause than the expiration of the service of such organization.

Pensions to widows or to children under sixteen years, &c.

SEC. 4702. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or hereafter dies by reason of any wound, injury, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension had he been disabled, his widow, or if there be no widow, or in case of her death, without payment to her of any part of the pension hereinafter mentioned, his child or children, under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and, if the widow remarry, the child or children shall be entitled from the date of remarriage.

Increased pension to widows, &c.

SEC. 4703. The pensions of widows shall be increased from and after the twenty-fifth day of July, eighteen hundred and sixty-six at the rate of two dollars per month for each child under the age of sixteen years, of the husband on account of whose death the claim has been, or shall be, granted. And in every case in which the deceased husband has left, or shall leave, no widow, or where his widow has died or married again, or where she has been deprived of her pension under the provisions of the pension-law, the pension granted to such child or children shall be increased to the same amount per month that would be allowed under the foregoing provisions to the widow, if living and entitled to a pension: *Provided*, That the additional pension herein granted to the widow on account of the child or children of the husband by a former wife shall be paid to her only for such period of her widowhood as she has been, or shall be, charged with the maintenance of such child or children; for any period during which she has not been, or she shall not be, so charged, it shall be granted and paid to the guardian of such child or children: *Provided further*, That a widow or guardian to whom increase of pension has been, or shall hereafter be, granted on account of minor children, shall not be deprived thereof by reason of their being maintained in whole or in part at the expense of a State or the public in any educational institution, or in any institution organized for the care of soldiers' orphans.

What children deemed legitimate.

SEC. 4704. In the administration of the pension-laws, children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate.

Widows of colored and Indian soldiers, &c.

SEC. 4705. The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the

children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor, but this section shall not be applicable to any claims on account of persons who enlist after the third day of March, one thousand eight hundred and seventy-three.

Abandonment, &c., by widow.

SEC. 4706. If any person has died, or shall hereafter die, leaving a widow entitled to a pension by reason of his death, and a child or children under sixteen years of age by such widow, and it shall be duly certified under seal by any court having probate jurisdiction, that satisfactory evidence has been produced before such court, upon due notice to the widow, that she has abandoned the care of such child or children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of the same, on presentation of satisfactory evidence thereof to the Commissioner of Pensions, no pension shall be allowed to such widow until such child or children shall have attained the age of sixteen years, any provisions of law to the contrary notwithstanding; and the said child or children shall be pensioned in the same manner, and from the same date, as if no widow had survived such person, and such pension shall be paid to the guardian of such child or children; but if in any case payment of pension shall have been made to the widow, the pension to the child or children shall commence from the date to which her pension has been paid.

Succession of dependent relatives

SEC. 4707. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound, injury, casualty, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension, and has not left or shall not leave a widow or legitimate child, but has left or shall leave other relative or relatives who were dependent upon him for support, in whole or in part, at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension as such person would have been entitled to had he been totally disabled, to commence from the death of such person, namely: first, the mother; secondly, the father; thirdly, orphan brothers and sisters under sixteen years of age, who shall be pensioned jointly: *Provided*, That where orphan children of the same parent have different guardians, or a portion of them only are under guardianship, the share of the joint pension to which each ward shall be entitled shall be paid to the guardian of such ward: *Provided*, That if in any case said person shall have left father and mother who were dependent upon him, then, on the death of the mother, the father shall become entitled to the pension, commencing from and after the death of the mother; and upon the death of the mother and father, or upon the death of the father and the remarriage of the mother, the dependent brothers and sisters under sixteen years of age shall jointly become entitled to such pension until they attain the age of sixteen years respectively, commencing from the death or remarriage of the party who had the prior right to the pension: *Provided*, That a mother shall be assumed to have been dependent upon her son within the meaning of this section if, at the date of his death, she had no other adequate means of support than the ordinary proceeds of her own manual labor and the contributions of said son or of any other persons not legally bound to aid in her support; and if, by actual contributions, or in any other way, the son had recognized his obligations to aid in support of his mother, or was by law bound to such support, and that a father or minor brother or sister shall, in like manner and under like conditions, be assumed to have been dependent, except that the income which was derived or derivable from his actual or possible manual labor shall be taken into account in estimating a father's means of independent support: *Provided further*, That the pension allowed to any person on account of his or her dependence, as hereinbefore provided, shall not be paid for any period during which it shall not be necessary as a means of adequate subsistence.

Remarriage.

SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister, entitled to pension, shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister, having a pension, such pension shall cease.

Commencement of pensions after March 4, 1861.

SEC. 4709. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which origi-

nated in the service since the fourth day of March, eighteen hundred and sixty-one, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension; provided the application for such pension has been or is hereafter filed with the Commissioner of Pensions within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. But the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years.

When pension deemed to have accrued.

SEC. 4710. In construing the preceding section, the right of persons entitled to pensions shall be recognized as accruing at the date therein stated for the commencement of such pension, and the right of a dependent father or dependent brother to pension shall not in any case be held to have accrued prior to the sixth day of June, eighteen hundred and sixty-six; and the right of all other classes of claimants, if applying on account of the death of a person who was regularly mustered into the service, or regularly employed in the Navy or upon the gun-boats or war-vessels of the United States, shall not be held to have accrued prior to the fourteenth day of July, eighteen hundred and sixty-two; if applying on account of a chaplain of the Army, their right shall not be held to have accrued prior to the ninth day of April, eighteen hundred and sixty-four; if applying on account of an enlisted soldier who was not mustered, or a non-enlisted man in temporary service, their right shall not be held to have accrued prior to the fourth day of July, eighteen hundred and sixty-four; if applying on account of an acting assistant or contract surgeon, their right shall not be held to have accrued prior to the third day of March, eighteen hundred and sixty-five; if applying on account of persons enlisted as teamsters, wagoners, artificers, hospital-stewards, or farriers, their right shall not be held to have accrued prior to the sixth day of June, eighteen hundred and sixty-six; and the right of all classes of claimants applying on account of a provost-marshal, deputy provost-marshal, or enrolling-officer, shall not be held to have accrued prior to the twenty-fifth day of July, eighteen hundred and sixty-six. But the right of a widow or dependent mother who married prior, and did not apply till subsequent to the twenty-seventh day of July, eighteen hundred and sixty-eight, shall not be held to have accrued prior to that date.

Arrears of pensions.

SEC. 4711. It shall be the duty of the Commissioner of Pensions, upon any application by letter or otherwise by or on behalf of any pensioner entitled to arrears of pension under section forty-seven hundred and nine, or if any such pensioner has died, upon a similar application by or on behalf of any person entitled to receive the accrued pension due such pensioner at his death, to pay or cause to be paid to such pensioner, or other person, all such arrears of pension as the pensioner may be entitled to, or, if dead, would have been entitled to under the provisions of that section had he survived; and no claim-agent or other person shall be entitled to receive any compensation for services in making application for arrears of pension.

Provisions of pension laws extended, &c.

SEC. 4712. The provisions of this Title in respect to the rates of pension to persons whose right accrued since the fourth day of March, eighteen hundred and sixty-one, are extended to pensioners whose right to pension accrued under general acts passed since the war of the Revolution and prior to the fourth day of March, eighteen hundred and sixty-one, to take effect from and after the twenty-fifth day of July, eighteen hundred and sixty-six; and the widows of revolutionary soldiers and sailors receiving a less sum shall be paid at the rate of eight dollars per month from and after the twenty-seventh day of July, eighteen hundred and sixty-eight.

Commencement of pensions for prior wars.

SEC. 4713. In all cases in which the cause of disability or death originated in the service prior to the fourth day of March, eighteen hundred and sixty-one, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing by the party prosecuting the claim the last paper requisite to establish the

same. But no claim allowed prior to the sixth day of June, eighteen hundred and sixty-six, shall be affected by anything herein contained.

Declaration of claimants.

SEC. 4714. Declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer hereby being fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken, and may accept declarations of claimants residing in foreign countries, made before a United States minister or consul, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul; declarations in claims of Indians made before a United States agent; and declarations in claims under the provisions of this Title relating to pensions for services in the war of eighteen hundred and twelve, made before an officer duly authorized to administer oaths for general purposes, when the applicants, by reason of infirmity of age, are unable to travel: *Provided*, That any declaration made before an officer duly authorized to administer oaths for general purposes shall be accepted to exempt a claim from the limitation as to date of filing prescribed in section forty-seven hundred and nine.

Only one pension at a time.

SEC. 4715. Nothing in this Title shall be so construed as to allow more than one pension at the same time to the same person, or to persons entitled jointly; but any pensioner who shall so elect may surrender his certificate, and receive, in lieu thereof, a certificate for any other pension to which he would have been entitled had not the surrendered certificate been issued. But all payments previously made for any period covered by the new certificate shall be deducted from the amount allowed by such certificate.

Loyalty.

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Claims to be prosecuted within what time.

SEC. 4717. No claim for pension not prosecuted to successful issue within five years from the date of filing the same shall be admitted without record-evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension-Office, to the Adjutant-General of the Army, or the Surgeon-General of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made, originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed.

Accrued pensions.

SEC. 4718. If any pensioner has died or shall hereafter die; or if any person entitled to a pension, having an application therefor pending, has died or shall hereafter die, his widow, or if there is no widow, the child or children of such person under the age of sixteen years, shall be entitled to receive the accrued pension to the date of the death of such person. Such accrued pension shall not be considered as a part of the assets of the estate of deceased, nor liable to be applied to the payment of the debts of said estate in any case whatever, but shall inure to the sole and exclusive benefit of the widow or children; and if no widow or child survive, no payment whatsoever of the accrued pension shall be made or allowed, except so much as may be necessary to re-imburse the person who bore the expenses of the last sickness and burial of the decedent, in cases where he did not leave sufficient assets to meet such expenses.

Unclaimed pensions.

SEC. 4719. The failure of any pensioner to claim his pension for three years after the same shall have become due shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, remarriage, recovery from the disability, or otherwise, and the pensioner's name shall be stricken from the list of pen-

sioners, subject to the right of restoration to the same on a new application by the pensioner, or, if the pensioner is dead, by the widow or minor children entitled to receive the accrued pension, accompanied by evidence satisfactorily accounting for the failure to claim such pension, and by medical evidence in cases of invalids who were not exempt from biennial examinations as to the continuance of the disability.

Pensions under special acts of Congress.

SEC. 4720. When the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be varied by the provisions and limitations of the general pension-laws, but when not thus fixed the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the special act, and the Commissioner of Pensions shall, upon satisfactory evidence that fraud was perpetrated in obtaining such special act, suspend payment thereupon until the propriety of repealing the same can be considered by Congress.

[Sec. 4721 relates to Indian claims, and 4722 to Missouri State militia.]

Colored soldiers enrolled as "slaves."

SEC. 4723. All colored persons who enlisted in the Army during the war of the rebellion, and who are now prohibited from receiving bounty and pension on account of being borne on the rolls of their regiments as "slaves," shall be placed on the same footing, as to bounty and pension, as though they had not been slaves at the date of their enlistment.

Both pension and pay not allowed, unless, &c.

SEC. 4724. No person in the Army, Navy, or Marine Corps shall draw both a pension as an invalid, and the pay of his rank or station in the service, unless the disability for which the pension was granted be such as to occasion his employment in a lower grade, or in the civil branch of the service.

Half-pay to widows, &c., under laws prior to June 3, 1858.

SEC. 4725. All those surviving widows and minor children who have been allowed five years' half-pay, under the provisions of any general laws passed prior to the third day of June, eighteen hundred and fifty-eight, are granted a continuance of such half-pay, to commence from the date of the last payment under the respective acts of Congress granting the same, and on the terms and limitations provided in the following section.

To widow for life, and to children under sixteen, &c.

SEC. 4726. Such half-pay is granted to such widows during life, and, where there is no widow, to the children, while under the age of sixteen years; but in case of the remarriage or death of any such widow, the half-pay shall go to the children of the decedent on account of whose services it is claimed, while such children are under sixteen years of age, and no longer.

Half-monthly pay not to exceed that of lieutenant-colonel.

SEC. 4727. The half-pay of such widows and children shall be half the monthly pay of the officers, non-commissioned officers, musicians, and privates of the infantry of the Regular Army, and no more, and no greater sum shall be allowed to any such widow or minor children than the half-pay of a lieutenant-colonel. But the two preceding sections shall not be construed to apply to or embrace the case of any person receiving a pension for life on the third day of June, eighteen hundred and fifty-eight; and, wherever half-pay has been granted by any special act of Congress, and renewed or continued under the provisions of those sections, the same shall continue from the date above named: *Provided*, That pensions under this and the two preceding sections, shall be varied in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Navy pensions.

SEC. 4728. If any officer, warrant or petty officer, seaman, engineer, first, second, or third assistant engineer, fireman or coal-heaver of the Navy or any marine has been disabled prior to the fourth day of March eighteen hundred and sixty-one by reason of any injury received or disease contracted in the service and line of duty, he shall be entitled to receive during the continuance of his disability a pension proportionate to the degree of his disability not exceeding half the monthly pay of his rank as it existed in January eighteen hundred and thirty-five. But the pension of a chief-engineer shall be the same as that of a lieutenant of the Navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; the pension of a fireman or coal-heaver the same as that of a seaman; but an engineer, fireman or coal-heaver shall not be entitled to any pension by reason of a disability incurred prior to the thirty-first day of August eighteen hundred and forty-two.

Naval pensions to widows and children.

SEC. 4729. If any person referred to in the preceding section has died in the service, of injury received or disease contracted under the conditions therein stated, his widow shall be entitled to receive half the monthly pay to which the deceased was entitled at the date of his death; and in case of her death or marriage, the child or children under sixteen years of age shall be entitled to the pension. But the rate of pension herein allowed shall be governed by the pay of the Navy as it existed in January, eighteen hundred and thirty-five; and the pension of the widow of a chief engineer shall be the same as that of a widow of a lieutenant in the Navy; the pension of the widow of a first assistant engineer shall be the same as that of the widow of a lieutenant of marines; the pension of the widow of a second or third assistant engineer the same as that of the widow of a forward officer; the pension of the widow of a fireman or coal-heaver shall be the same as that of the widow of a seaman. But the rate of pension prescribed by this and the preceding section shall be varied from and after the twenty-fifth day of July, eighteen hundred and sixty-six, in accordance with the provisions of section four thousand seven hundred and twelve of this Title; and the widow of an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of the death of her husband if his death was prior to the thirty-first day of August, eighteen hundred and forty-two.

Pensions to soldiers of Mexican war.

SEC. 4730. Any officer, non-commissioned officer, musician or private, whether of the Regular Army or volunteers disabled by reason of injury received or disease contracted while in the line of duty in actual service in the war with Mexico, or in going to or returning from the same, who received an honorable discharge, shall be entitled to a pension proportionate to his disability, not exceeding for total disability half the pay of his rank at the date at which he received the wound or contracted the disease which resulted in such disability. But no pension shall exceed half the pay of a lieutenant-colonel.

Widows and children of Mexican war pensioners.

SEC. 4731. If any officer or other person referred to in the preceding section has died or shall hereafter die by reason of any injury received or disease contracted under the circumstances therein set forth, his widow shall be entitled to receive the same pension as the husband would have been entitled to had he been totally disabled; and in case of her death or remarriage, the child or children of such officer or other person referred to in the preceding section, while under the age of sixteen years, shall be entitled to receive the pension. But the rate of pension prescribed by this and the preceding section shall be varied after the twenty-fifth day of July, eighteen hundred and sixty-six, in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Widows and children of pensioners of war of 1812 and Indian wars.

SEC. 4732. The widows and children under sixteen years of age of the officers, non-commissioned officers, musicians and privates of the regulars, militia, and volunteers of the war of one thousand eight hundred and twelve and the various Indian wars since one thousand seven hundred and ninety who remained at the date of their death in the military service of the United States, or who received an honorable discharge and have died or shall hereafter die of injury received or disease contracted in the service and in the line of duty shall be entitled to receive half the monthly pay to which the deceased was entitled at the time he received the injury or contracted the disease which resulted in his death. But no half-pay pension shall exceed the half-pay of a lieutenant-colonel and such half-pay pension shall be varied after the twenty-fifth day of July one thousand eight hundred and sixty-six in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Continuance of pensions.

SEC. 4733. All pensioners whose names are now on the pension-roll or who are entitled to restoration to the roll under any act of Congress, shall be entitled to the continuance of such pensions under the provisions and limitations of this Title, and to such further increase of pension as is herein provided.

Pensions not to be withheld.

SEC. 4734. The provisions of law which allow the withholding of the compensation of any person who is in arrears shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

Time for which a widow shall not receive a pension.

SEC. 4735. No pension shall be granted to a widow for the same time that her husband received one.

Pensions to certain soldiers and sailors of the war of 1812.

SEC. 4736. The Secretary of the Interior is directed to place on the pension-roll the names of the surviving officers and enlisted and drafted men, including militia and volunteers, of the military and naval service of the United States, who served sixty days in the war with Great Britain of eighteen hundred and twelve, and were honorably discharged, and such other officers and soldiers as may have been personally named in any resolution of Congress for any specific service in that war, although their term of service may have been less than sixty days, subject, however, to the provisions of section forty-seven hundred and sixteen.

Pensions to be at what rate, &c.

SEC. 4737. Pensions, under the preceding section, shall be at the rate of eight dollars per month, and shall be paid to the persons entitled thereto for the term of their lives, from and after the fourteenth day of February, eighteen hundred and seventy-one. But that section shall not apply to any person who is receiving a pension at the rate of eight dollars or more per month; nor to any person who is receiving a pension less than eight dollars per month, except for the difference between the pension now received and eight dollars per month.

Pensions to surviving widows of officers, &c., of war of 1812.

SEC. 4738. The surviving widows of such persons as are embraced within the provisions of the two preceding sections, shall be allowed, on the conditions and limitations therein expressed, the same pension that such persons themselves would have been entitled to receive thereunder if living on the fourteenth day of February, eighteen hundred and seventy-one: *Provided, however,* Such widows were married to the husbands, on account of whose services the pension is claimed, prior to the treaty of peace which terminated the war of eighteen hundred and twelve, and have not remarried.

Proof required; names may be stricken from pension-rolls.

SEC. 4739. Before the name of any person is placed upon the pension-roll under the three preceding sections, proof shall be made, under such regulations as the Secretary of the Interior may prescribe, that the applicant is entitled to a pension under the provisions of the sections herein cited; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it appears, by proof satisfactory, that such name was put upon such roll through false or fraudulent representations.

Loss of certificate of discharge, &c.

SEC. 4740. The loss of a certificate of discharge shall not deprive an applicant of the benefits of sections forty-seven hundred and thirty-six, forty-seven hundred and thirty-seven, and forty-seven hundred and thirty-eight, but other proof of services performed and of an honorable discharge, if deemed satisfactory, shall be sufficient.

Pensions to officers and seamen of revenue-cutters.

SEC. 4741. The officers and seamen of the revenue-cutters of the United States, who have been or may be wounded or disabled in the discharge of their duty while co-operating with the Navy by order of the President, shall be entitled to be placed on the Navy pension-list, at the same rate of pension and under the same regulations and restrictions as are provided by law for the officers and seamen of the Navy.

[Secs. 4742 and 4743 relate to revolutionary pensions, and 4744 to detail of clerk to investigate pension frauds.]

Any pledge or transfer of pension void.

SEC. 4745. Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been, or may hereafter be, granted, shall be void and of no effect; and any person acting as attorney to receive and receipt for money for and in behalf of any person entitled to a pension shall, before receiving such money, take and subscribe an oath, to be filed with the pension-agent, and by him to be transmitted, with the vouchers now required by law, to the proper accounting officer of the Treasury, that he has no interest in such money by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person.

Penalty for false affidavit and post-dating vouchers, &c.

SEC. 4746. Every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit concerning any claim for pension, or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions, or who knowingly or willfully presents or causes to be presented at any pension-agency any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that on which it was actually signed or executed, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or by both.

Pension not liable to attachment, &c.

SEC. 4747. No sum of money due, or to become due, to any pensioner, shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension-

Office, or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner.

Commissioner to furnish printed instructions, free of charge.

SEC. 4748. That the Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension-Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a certificate of pension or of a bounty-land warrant, he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof.

Half-rating to disabled enlisted persons serving twenty years in Navy or Marine Corps.

SEC. 4756. There shall be paid out of the naval pension-fund to every person who, from age or infirmity, is disabled from sea-service, but who has served as an enlisted person in the Navy or Marine Corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the Naval Asylum, Philadelphia, if he so elects, a sum equal to one-half the pay of his rating at the time he was discharged, to be paid to him quarterly, under the direction of the Commissioner of Pensions; and applications for such pension shall be made to the Secretary of the Navy, who, upon being satisfied that the applicant comes within the provisions of this section, shall certify the same to the Commissioner of Pensions, and such certificate shall be his warrant for making payment as herein authorized.

Serving not less than ten years, may receive what aid.

SEC. 4757. Every disabled person who has served in the Navy or Marine Corps as an enlisted man for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension-fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval officers, one of whom shall be a surgeon, to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy, and certificate thereof to the Commissioner of Pensions, the amount shall be paid in the same manner as is provided in the preceding section for the payment to persons disabled by long service in the Navy; but no allowance so made shall exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one-fourth the rate of such pension.

Certificate of pension and fee of attorney.

SEC. 4768. The Commissioner of Pensions shall forward the certificate of pensions, granted in any case, to the agent for paying pensions where such certificate is made payable, and at the same time forward therewith one of the articles of agreement filed in the case and approved by the Commissioner, setting forth the fee agreed upon between the claimant and the attorney or agent, and where no agreement is on file, as hereinbefore provided, he shall direct that a fee of ten dollars only be paid the agent or attorney. [See § 5485.]

Pension-agent to deduct attorneys' fees.

SEC. 4769. It shall be the duty of the agent paying such pension to deduct from the amount due the pensioner the amount of fee so agreed upon or directed by the Commissioner to be paid where no agreement is filed and approved, and to forward or cause to be forwarded to the agent or attorney of record named in such agreement, or, in case there is no agreement, to the agent prosecuting the case, the amount of the proper fee, deducting therefrom the sum of thirty cents in payment of his services in forwarding the same.

Biennial examinations, &c.

SEC. 4771. In all cases of application for the payment of pensions to invalid pensioners to the fourth day of September of an odd year, the certificate of an examining surgeon duly appointed by the Commissioner of Pensions, or of a surgeon of the Army or Navy, stating the continuance of the disability for which the pension was originally granted, describing it, and the degree of such disability at the time of making the certificate, shall be required to accompany the vouchers, and a duplicate thereof shall be filed in the Office of the Commissioner of Pensions; and if in a case of continued disability it shall be stated at a degree below that for which the pension was originally granted, or was last paid, the pensioner shall only be paid for the quarter then due at the rate stated in the certificate. But where the pension was originally granted for a disability in consequence of the loss of a limb, or other essential portion of the body, or for other cause which cannot, either in

whole or in part, be removed, or when a disability is certified, by competent examining surgeons, to the satisfaction of the Commissioner of Pensions, to have become permanent in a degree equal to the whole rate of pension, the above certificate shall not be necessary to entitle the pensioner to payment.

More frequent examination. Ibid.

SEC. 4772. Nothing in the preceding section shall be construed to prevent the Commissioner of Pensions from requiring a more frequent examination, if, in his judgment, it is necessary.

Biennial examinations by unappointed civil surgeons, &c.

SEC. 4773. The biennial certificate of two unappointed civil surgeons shall not be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

Boards of examining surgeons.

SEC. 4774. The Commissioner of Pensions is authorized to organize, at his discretion, boards of examining surgeons, not to exceed three members, and each member of a board thus organized who is actually present and makes, in connection with other members or member, an ordered or periodical examination, shall be entitled to the fee of one dollar, on the receipt of a proper certificate of such examination by the Commissioner of Pensions.

Special examinations.

SEC. 4775. Examining surgeons duly appointed by the Commissioner of Pensions, and such other qualified surgeons as may be employed in the Pension Office, may be required by him, from time to time, as he deems for the interests of the Government, to make special examinations of pensioners, or applicants for pension, and such examinations shall have precedence over previous examinations, whether special or biennial; but when injustice is alleged to have been done by an examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination, and the decision of such board shall be final on the question so submitted thereto, provided the Commissioner approve the same. The compensation of each of such surgeons shall be three dollars, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

Medical referee and examining surgeons.

SEC. 4776. The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons, and such other duties touching medical and surgical questions in the Pension-Office, as the interests of the service may demand; and his salary shall be two thousand five hundred dollars per annum. And the Secretary of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, and who shall be borne upon the rolls as clerks of the fourth class; but such appointments shall not increase the clerical force of said Bureau.

Appointment of civil examining surgeons.

SEC. 4777. The Commissioner of Pensions is empowered to appoint, at his discretion, civil surgeons to make the periodical examinations of pensioners which are or may be required by law, and to examine applicants for pension, where he deems an examination by a surgeon appointed by him necessary; and the fee for such examinations, and the requisite certificates thereof in duplicate, including postage on such as are transmitted to pension-agents, shall be two dollars, which shall be paid by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

Pension-agents, &c., to take affidavits without fee.

SEC. 4784. Agents for the payment of pensions, and any clerks appointed by them and designated in writing for that purpose, which designation shall be returned to and filed in the office of the Commissioner of Pensions, are required, without any fee therefor, to take and certify the affidavits of all pensioners and their witnesses who may personally appear before them for that purpose, in which case the check for the pension, when due and payable, shall be given direct to the hand of the party entitled thereto, if desired, and not mailed to his address as required by section forty-seven hundred and sixty-five.

Fees of attorney for prosecuting claims.

SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for

pension or bounty-land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars. [See § 5485.]

Agreement for amount of fee to be filed.

SEC. 4786. It shall be the duty of the agent or attorney of record in the prosecution of the case to cause to be filed with the Commissioner of Pensions, for his approval, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty-land, and no agreement is filed with and approved by the Commissioner as herein provided, the fee shall be ten dollars and no more. [See § 4768.]

Title 10, Chap. 6.

Attorney for pensions demanding more than legal fee, &c.

SEC. 5485. Any agent or attorney, or any other person instrumental in prosecuting any claim for pension or bounty-land, who shall directly or indirectly contract for, demand, or receive or retain any greater compensation for his services, or instrumentality in prosecuting a claim for pension or bounty-land than is provided in the Title pertaining to pensions, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land-warrant issued to any such claimant, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both, at the discretion of the court. [See §§ 4785, 4786.]

Embezzlement of pension by guardian.

SEC. 5486. If any guardian having the charge and custody of the pension of his ward shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, he shall be punished by fine not exceeding two thousand dollars, or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court.

Pension-agent taking fee, &c.

SEC. 5487. Every pension-agent, or other person employed or appointed by him, who takes, receives, or demands any fee or reward from any pensioner for any service in connection with the payment of his pension, shall be fined not more than five hundred dollars. [See § 4784.]

AN ACT to equalize pensions in certain cases.

June 6, 1874.

Certain pensions equalized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons entitled to pensions under special acts fixing the rate of such pensions, and now receiving or entitled to receive a less pension than that allowed by the general pension-laws under like circumstances, are, in lieu of their present rate of pension, hereby declared to be entitled to the benefits and subject to the limitations of the general pension laws entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March third, eighteen hundred and seventy-three; and that this act go into effect from and after its passage: *Provided*, That this act shall not be construed to reduce any pension granted by special act.

Pensions granted by special act not reduced.

Approved, June 6, 1874.

AN ACT to increase pensions in certain cases.

June 18, 1874.

Certain pensions increased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who are now entitled to pensions under existing laws and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive twenty-four dollars per month: *Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

Proviso.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four. [See § 4698.]

Approved, June 18, 1874.

AN ACT to increase the pensions of soldiers and sailors who have been totally disabled.

June 18, 1874.

Increase of pensions to totally disabled soldiers and sailors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the act entitled "An act to revise, consolidate, and amend the laws relating to pensions," and approved March third, eighteen hundred and seventy-three, be so amended that all persons who, while in the military or naval service of the United States, and in the line of duty, shall have been so perma-

nently and totally disabled as to require the regular personal aid and attendance of another person, by the loss of the sight of both eyes, or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be entitled to a pension of fifty dollars per month; and this shall be in lieu of a pension of thirty-one dollars and twenty-five cents per month granted to such person by said section: *Provided*, That the increase of pension shall not be granted by reason of any of the injuries herein specified unless the same have resulted in permanent total helplessness requiring the regular personal aid and attendance of another person.

Proviso.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four. [See § 4698.]

Approved, June 18, 1874.

PENSION-FUND—NAVY.

Sec.
4750. Secretary of Navy trustee of Navy pension-fund.
4751. Penalties, how to be sued for, &c.
4752. Prize-money accruing to United States to remain a fund for pensions.
4753. Naval pension-fund, how to be invested.
4754. Rate of interest on naval pension-fund.
4755. Naval pensions payable from fund.

Title 57.

Secretary of Navy trustee.

SEC. 4750. The Secretary of the Navy shall be trustee of the Navy pension-fund.

Penalties, how to be sued for, &c.

SEC. 4751. All penalties and forfeitures incurred under the provisions of sections twenty-four hundred and sixty-one, twenty-four hundred and sixty-two, and twenty-four hundred and sixty-three, Title "THE PUBLIC LANDS,"* shall be sued for, recovered, distributed, and accounted for, under the directions of the Secretary of the Navy, and shall be paid over, one-half to the informers, if any, or captors, where seized, and the other half to the Secretary of the Navy for the use of the Navy pension-fund; and the Secretary is authorized to mitigate, in whole or in part, on such terms and conditions as he deems proper, by an order in writing, any fine, penalty, or forfeiture so incurred.

Prize-money accruing to the United States to remain a fund for pensions.

SEC. 4752. All money accruing or which has already accrued to the United States from sale of prizes shall be and remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and if such fund be insufficient for the purpose, the public faith is pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines. [See § 4630, under PRIZE.]

Naval pension-fund, how to be invested.

SEC. 4753. The Secretary of the Navy, as trustee of the naval pension-fund, is directed to cause to be invested in the registered securities of the United States, on the first day of January and the first day of July of each year, so much of such fund then in the Treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year; and upon the requisition of the Secretary, so much of the fund as may not be required for such payment of pensions accruing during the current fiscal year shall be held in the Treasury on the days above named in each year, subject to his order, for the purpose of such immediate investment; and the interest payable in coin upon the securities in which the fund may be invested, shall be so paid, when due, to the order of the Secretary of the Navy, and he is authorized and directed to exchange the amount of such interest when paid in coin, for so much of the legal currency of the United States as may be obtained therefor at the current rates of premium on gold, and to deposit the interest so converted in the Treasury to the credit of the naval pension-fund; but nothing herein contained shall be construed to interfere with the payment of naval pensions under the supervision of the Secretary of the Interior, as regulated by law.

Rate of interest on naval pension-fund.

SEC. 4754. The interest on the naval pension-fund shall hereafter be at the rate of three per centum per annum in lawful money.

Navy pensions payable from fund.

SEC. 4755. The Navy pensions shall be paid from the Navy pension-fund, but no payments shall be made therefrom except upon appropriations authorized by Congress.

* See RESERVED TIMBER.

PENSION-FUND—PRIVATEER.

Sec.
4758. Secretary of Navy trustee of privateer pension-fund.
4759. Privateer pension-fund, how derived.
4760. To be paid into Treasury, &c.
4761. Wounded, &c., privateersmen to be placed on pension-list.
4762. Commanding officers of privateers to enter names, &c., in a journal.
4763. Transcript of journals to be transmitted to Secretary of the Navy.

Title 57.

Secretary of Navy trustee.

SEC. 4758. The Secretary of the Navy shall be trustee of the privateer pension-fund.

Privateer pension-fund, how derived.

SEC. 4759. Two per centum on the net amount, after deducting all charges and expenditures, of the prize-money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector or other chief officer of the customs at the port or place in the United States at which such captured or recaptured vessels may arrive; or to the consul or other public agent of the United States residing at the port or place, not within the United States, at which such captured or recaptured vessels may arrive. And the moneys arising therefrom are pledged by the Government of the United States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain, and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as is or may be provided by law.

To be paid into the Treasury, &c.

SEC. 4760. The two per centum reserved in the hands of the collectors and consuls by the preceding section, shall be paid to the Treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes provided for by that section.

Wounded, &c., privateersmen to be placed on pension-list.

SEC. 4761. The Secretary of the Interior is required to place on the pension-list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board of any private armed vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy, or in the line of their duty as officers, seamen, or marines of such private armed vessel; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing-master a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate, and prize-masters, a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid from moneys appropriated for the payment of pensions.

Commanding officers of privateers to enter names, &c., in a journal.

SEC. 4762. The commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, is wounded or disabled, describing the manner and extent, as far as practicable, of such wound or disability.

Transcript of journals to be transmitted to Secretary of the Navy.

SEC. 4763. Every collector shall transmit quarterly to the Secretary of the Navy a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities, the better to enable the Secretary to decide on claims for pensions.

PERJURY.

Sec.
1023. Prosecutions for perjury.
5392. Perjury.
5393. Subornation of perjury.
5396. Form of indictment for perjury.
5397. Indictment for subornation of perjury.

Title 13, Chap. 18.

Matters set forth in prosecutions for perjury before a naval court-martial.

SEC. 1023. In prosecutions for perjury committed on examination before a naval general court-martial, or for the subornation thereof, it shall be sufficient to set forth the offense charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought before, or intended to be brought before, said court.

Title 70, Chap. 4.

Perjury.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See § 1750, DIPLOMATIC OFFICERS.]

Subornation of perjury.

SEC. 5393. Every person who procures another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed. [See § 1750.]

Form of indictment for perjury.

SEC. 5396. In every presentment or indictment prosecuted against any person for perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and by what court, and before whom the oath was taken, averring such court or person to have competent authority to administer the same, together with the proper averment to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, or any affidavit, deposition, or certificate, other than as hereinbefore stated, and without setting forth the commission or authority of the court or person before whom the perjury was committed.

Indictment for subornation of perjury.

SEC. 5397. In every presentment or indictment for subornation of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, or any affidavit, deposition, or certificate, and without setting forth the commission or authority of the court or person before whom the perjury was committed, or was agreed or promised to be committed.

PETTY OFFICERS.

See SEAMEN IN THE NAVY.

PILOTS—PILOTAGE.

Sec.
4235. State regulation of pilots.
4236. Pilots on boundaries.
4237. No discrimination in rates of pilotage.

Title 48, Chap. 5.

State regulation of pilots.

SEC. 4235. Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively enact for the purpose.

Pilots on boundaries between States.

SEC. 4236. The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters, to pilot the vessel to or from such port.

No discrimination in rates of pilotage.

SEC. 4237. No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated.

PIRACY.

Sec.
4293. Public vessels to suppress piracy.
4294. Seizure of piratical vessels.
4295. Merchant-vessels may resist pirates.
4296. Condemnation of piratical vessels.
4297. Seizure of vessels fitted out for piracy.
4298. What vessels may be authorized to seize pirates.
4299. Duty of officers of customs and marshals.
5323. Accessory before the fact to piracy, &c.
5324. Accessory after the fact to robbery or piracy.
5368. Piracy under the law of nations.
5369. Seaman laying violent hands on his commander.
5370. Robbery upon the high seas.
5371. Robbery on shore by crew of piratical vessel.
5372. Murder, &c., upon the high seas.
5373. Piracy under color of a commission from a foreign power.
5374. Piracy by subjects or citizens of a foreign state.
5375. Piracy in confining or detaining negroes on board vessels, &c.
5376. Piracy in landing, seizing, &c., negroes on any foreign shore.
5383. Running away with or yielding up vessel or cargo.
5384. Confederating, &c., with pirates.
5533. Accessory after the fact of piracy; punishment.

Public vessels to suppress piracy.

SEC. 4293. The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant-vessels of the United States and their crews from piratical aggressions and depredations.

Seizure of piratical vessels.

SEC. 4294. The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

Merchant-vessels may resist pirates.

SEC. 4295. The commander and crew of any merchant-vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

Condemnation of piratical vessels.

SEC. 4296. Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion.

Seizure of vessels fitted out for piracy.

SEC. 4297. Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.

What vessels may be authorized to seize pirates.

SEC. 4298. The President is authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by Congress, or the com-

manders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in the preceding section.

Duties of officers of customs and marshals.

SEC. 4299. The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased, fitted out, or held as mentioned in section forty-two hundred and ninety-seven, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section.

Title 70, Chap. 1.

Accessory before the fact to piracy, &c.

SEC. 5323. Every person who knowingly aids, abets, causes, procures, commands, or counsels another to commit any murder, robbery, or other piracy upon the seas, is an accessory before the fact to such piracies, and every such person being thereof convicted shall suffer death.

Accessory after the fact to robbery or piracy.

SEC. 5324. Every person who receives or takes into custody any vessel, goods, or other property feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and every person who, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy. [See § 5533.]

Title 70, Chap. 3.

Piracy under the law of nations.

SEC. 5368. Every person who, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterward brought into or found in the United States, shall suffer death. [See §§ 5323–5333.]

Seaman laying violent hands on his commander.

SEC. 5369. Every seaman who lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall suffer death.

Robbery upon the high seas.

SEC. 5370. Every person who, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commits the crime of robbery, in or upon any vessel, or upon any ship's company of any vessel, or the lading thereof, is a pirate, and shall suffer death.

Robbery on shore by crew of piratical vessel.

SEC. 5371. Every person engaged in any piratical cruise or enterprise, or being of the crew of any piratical vessel, who lands from such vessel and on shore commits robbery, is a pirate, and shall suffer death.

Murder, &c., upon the high seas.

SEC. 5372. Every person who commits upon the high seas, or in any river, harbor, basin, or bay, out of the jurisdiction of any particular State, murder or robbery, or any other offense which, if committed within the body of a county, would be punishable with death by the laws of the United States, is a pirate, and shall suffer death.

Piracy under color of a commission from a foreign power.

SEC. 5373. Every citizen who commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall suffer death.

Piracy by subjects or citizens of a foreign state.

SEC. 5374. Every subject or citizen of any foreign state, who is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall suffer death.

Piracy in confining or detaining negroes on board vessels.

SEC. 5375. Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave-trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen, forcibly confines or detains on board such vessel any negro or mulatto, with intent to make such negro or mulatto a slave, or, on board such vessel, offers or attempts to sell, as a slave, any negro or mulatto, or on the high seas, or anywhere on tide-water, transfers or delivers to any other vessel any negro or mulatto with intent to make such negro or mulatto a slave, or lands or delivers on shore from on board such vessel any negro or mulatto with intent to make sale of, or having previously sold such negro or mulatto as a slave, is a pirate, and shall suffer death. [See §§ 5525, 5551–5560, SLAVE-TRADE.]

Piracy in landing, seizing, &c., negroes on any foreign shore.

SEC. 5376. Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave-trade, or being of the crew or ship's company of any vessel, owned in whole or in part, or navigated for, or in behalf of, any citizen, lands from such vessel, and, on any foreign shore, seizes any negro or mulatto with intent to make such negro or mulatto a slave, or decoys, or forcibly brings, or carries, or receives such negro or mulatto on board such vessel, with like intent, is a pirate, and shall suffer death.

Running away with or yielding up vessel or cargo.

SEC. 5383. Every captain, other officer, or mariner, of a vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of fifty dollars, or who yields up such vessel voluntarily to any pirate, shall be fined not more than ten thousand dollars, or imprisoned at hard labor not more than ten years, or both.

Confederating, &c., with pirates.

SEC. 5384. If any person attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or if any person consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or if any seaman confines the master of any vessel, he shall be imprisoned not more than three years, and fined not more than one thousand dollars.

Title 70, Chap. 8.

Accessory after the fact to murder, robbery, or piracy.

SEC. 5533. Every accessory after the fact to murder, robbery, or piracy, shall be imprisoned not more than three years, and fined not more than five hundred dollars. [See § 5324.]

POSTAGE, MAIL-MATTER, &c.

MAIL-MATTER.

Sec.
3872. Rate of postage on newspapers.
3873. Extra postage prohibited.
3875. Division of mail-matter.
3876. First-class matter.
3877. Second-class matter.
3878. Third-class matter.
3879. Limit of weight of mail-package.
3881. Wrapping and securing matter.
3882. Removing wrappers.
3883. Newspapers to be dried and in wrappers.
3887. Inclosing letters in printed matter; penalty.
3890. Detaining letters; penalty.
3891. Detaining, opening, or destroying letters; penalty.
3892. Intercepting or secreting letters; penalty.
3893. Obscene books, &c., not mailable.
3896. Prepayment by stamps.
3897. Third-class matter.
3898. Disposal of partly paid and unpaid letters.
3900. Postage to be paid before delivery.
3901. Box-rents to be prepaid.
3902. Unpaid soldiers' and sailors' letters.
3903. Postage on letters and letter-matter.
3904. Drop-letter postage.
3905. Postage on regular printed matter.
3906. Certain postage to be paid quarterly.
3910. Postage on transient, &c., matter.
3911. Clothing to soldiers by mail.
3912. Postage on foreign mail-matter.
3913. Postage on irregular sea-letters.
3976. Vessels carrying mails.
——. Postage on newspapers and periodicals.
——. Mailable matter of the third class.
——. Postage on public documents.
——. Privileges of ex-members and ex-delegates.
——. Congressional Record.
——. Seeds and Agricultural Reports.

Title 46, Chap. 2.

Rate of postage on newspapers.

SEC. 3872. The rate of postage on newspapers, excepting weeklies, periodicals not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamps.

Extra postage or carriers' fees prohibited.

SEC. 3873. No extra postage or carriers' fees shall be charged or collected upon any mail-matter collected or delivered by carriers.

Title 46, Chap. 3.

Division of mail-matter.

SEC. 3875. Mailable matter shall be divided into three classes:
First. Letters.
Second. Regular printed matter.
Third. Miscellaneous matter.

First-class matter.

SEC. 3876. Mailable matter of the first class shall embrace all correspondence, wholly or partly in writing, except book-manuscripts and corrected proof-sheets passing between authors and publishers.

Second-class matter.

SEC. 3877. Mailable matter of the second class shall embrace all matter exclusively in print, and regularly issued at stated periods from a known office of publication, without addition by writing, mark, or sign.

Third-class matter.

SEC. 3878. Mailable matter of the third class shall embrace all pamphlets, occasional publications, transient newspapers, magazines, handbills, posters, unsealed circulars, prospectuses, books, book-manuscripts, proof-sheets, corrected proof-sheets, maps, prints, engravings, blanks, flexible patterns, samples of merchandise not exceeding twelve ounces in weight, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations of different types, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not, from their form or nature, liable to destroy, deface, or otherwise injure the contents of the mail-bag or the person of any one engaged in the postal service. All liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails. All matter of the third class, excepting books and other printed matter, book-manuscripts, proof-sheets, and corrected proof-sheets, packages of seeds, cuttings, bulbs, roots, and scions, shall not exceed twelve ounces in weight, and packages of seeds, cuttings, bulbs, roots, and scions, shall not exceed four pounds in weight; and all matter of the third class shall be subject to examination and to rates of postage as hereinafter provided. Samples of metals, ores, and mineralogical specimens shall not exceed twelve ounces in weight, and shall be subject to examination and to rates of postage as hereinafter provided. [See March 3, 1875.*]

Limit of weight of mail-package.

SEC. 3879. No package weighing more than four pounds shall be received for conveyance by mail, except books published or circulated by order of Congress.

Wrapping and securing matter.

SEC. 3881. The Postmaster-General may prescribe by regulation the manner of wrapping and securing for the mails all matter not charged with letter-postage, so that it may be conveniently examined by postmasters; and if not so wrapped and secured, it shall be subject to letter-postage.

SEC. 3882. Postmasters at the office of delivery may remove the wrappers and envelopes from mail-matter not charged with letter-postage, when it can be done without destroying them, for the purpose of ascertaining whether there is upon or connected with any such matter anything which would authorize or require the charge of a higher rate of postage thereon.

Newspapers to be dried and in wrappers.

SEC. 3883. No newspapers shall be received to be conveyed by mail unless they are sufficiently dried and inclosed in proper wrappers.

Inclosing letters in printed matter, penalty.

SEC. 3887. Any person who shall inclose or conceal any letter, memorandum, or other thing in any mail-matter not charged with letter-postage, or make any writing or memorandum thereon, and deposit or cause the same to be deposited for conveyance by mail at a less rate than letter postage, shall, for every such offense, be liable to a penalty of five dollars; and such mail-matter or inclosure shall not be delivered until the postage is paid thereon at letter-rates. But no extra postage shall be charged for a card printed or impressed upon an envelope or wrapper.

Detaining letters; penalty.

SEC. 3890. Any postmaster who shall unlawfully detain in his office any letter or other mail-matter, the posting of which is not prohibited by law, with intent to prevent the arrival and delivery of the same to the person to whom it is addressed, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not more than six months, and he shall be forever thereafter incapable of holding the office of postmaster.

Detaining, opening, or destroying letters; penalty.

SEC. 3891. Any person employed in any department of the postal service, who shall unlawfully detain, delay, or open any letter, packet, bag, or mail of letters intrusted to him, or which has come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any mail-carrier, mail-messenger, route-agent, letter-carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General; or who shall secrete, embezzle, or destroy any such letter, packet, bag, or mail of

*All mailable matter of the third class may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section one hundred and thirty-four of said act.

letters, although it does not contain any security for or assurance relating to money or other thing of value, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or by both.

Intercepting or secreting letters; penalty.

SEC. 3892. Any person who shall take any letter, postal card, or packet, although it does not contain any article of value or evidence thereof, out of a post-office or branch post-office, or from a letter or mail carrier, or which has been in any post-office or branch post-office or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or pry into the business or secrets of another, or shall secrete, embezzle, or destroy the same, shall, for every such offense, be punishable by a fine of not more than five hundred dollars, or by imprisonment at hard labor for not more than one year, or by both.

Obscene books, scurrilous and disloyal letters, and lottery circulars not mailable; penalty.

SEC. 3893. No obscene, lewd, or lascivious book, pamphlet, picture, paper, print, or other publication of an indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion, nor any article or thing intended or adapted for any indecent or immoral use or nature, nor any written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means either of the things before mentioned may be obtained or made, nor any letter upon the envelope of which, or postal card upon which indecent or scurrilous epithets may be written or printed, shall be carried in the mail; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, any of the hereinbefore-mentioned articles or things, or any notice or paper containing any advertisement relating to the aforesaid articles or things, and any person who, in pursuance of any plan or scheme for disposing of any of the hereinbefore mentioned articles or things, shall take, or cause to be taken, from the mail any such letter or package, shall be deemed guilty of a misdemeanor, and shall, for every offense, be fined not less than one hundred dollars, nor more than five thousand dollars, or imprisoned at hard labor not less than one year nor more than ten years, or both. [See § 1785, IMPORTATIONS.]

Title 46, Chap. 4.

Prepayment of postage.

SEC. 3896. Postage on all mail-matter must be prepaid by stamps at the time of mailing, unless herein otherwise provided for.

Third-class matter.

SEC. 3897. All mail-matter of the third class must be prepaid in full in postage stamps at the office of mailing.

Disposal of partly paid and unpaid letters.

SEC. 3898. All mail-matter deposited for mailing, on which one full rate of postage has been paid as required by law, shall be forwarded to its destination, charged with any portion of the proper postage which may be unpaid, to be collected on delivery. But if any mail-matter, on which by law the postage is required to be prepaid at the mailing-office, shall by inadvertence reach its destination without any prepayment, double the prepaid rates shall be charged and collected on delivery.

Postage to be paid before delivery.

SEC. 3900. No mail-matter shall be delivered until the postage due thereon has been paid.

Box-rents to be prepaid.

SEC. 3901. No box at any post-office shall be assigned to the use of any person until the rent thereof has been paid for at least one quarter in advance, for which the postmaster shall give a receipt.

Unpaid soldiers' and sailors' letters.

SEC. 3902. The Postmaster-General may provide by regulation for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States, to their destination.

Postage on letters and letter-matter.

SEC. 3903. On all mail-matter which is wholly or partly in writing, except book-manuscripts and corrected proofs passing between authors and publishers, and local or drop letters; on all printed matter which is so marked as to convey any other or further information than is conveyed by the original print, except the correction of mere typographical errors; on all matter which is sent in violation of law or the regulations of the Department respecting inclosures; on all matter to which no specific rate of postage is assigned, postage shall be charged at the rate of three cents for each half-ounce or fraction thereof.

Drop-letter postage.

SEC. 3904. Letters commonly known as drop or local letters, delivered through the post-office or its carriers, shall be charged with postage at the rate of two cents where the system of free delivery is established, and one cent where such system is not established, for each half-ounce or fraction thereof.

Postage on regular printed matter.

SEC. 3905. On newspapers and other periodical publications, not exceeding four ounces in weight, sent from a known office of publication to regular subscribers, postage shall be charged at the following rates per quarter, namely: On publications issued less frequently than once a week, at the rate of one cent for each issue; issued once a week, five cents; and five cents additional for each issue more frequent than once a week. And an additional rate shall be charged for each additional four ounces or fraction thereof in weight. [See § 5, June 23, 1874, *infra*.]

Certain postage to be paid quarterly.

SEC. 3906. On newspapers and other periodicals sent from a known office of publication to regular subscribers, the postage shall be paid before delivery, for not less than one quarter, nor more than one year; which payment may be made either at the office of mailing or delivery, commencing at any time; and the postmaster shall account for such postage in the quarter in which it is received.

Postage on transient, &c., matter.

SEC. 3910. On mailable matter of the third class, except as herein stated, postage shall be charged at the rate of one cent for each two ounces or fraction thereof. Double these rates shall be charged for books, samples of metals, ores, minerals, and merchandise. [See § 8, June 23, 1874, *post*.]

Clothing to soldiers by mail.

SEC. 3911. Packages of woolen, cotton, or linen clothing, not exceeding two pounds in weight, may be sent through the mail to any noncommissioned officer or private in the Army of the United States, if prepaid, at the rate of one cent for each one ounce or fraction thereof, subject to such regulations as the Postmaster-General may prescribe.

Postage on foreign mail-matter.

SEC. 3912. The rate of United States postage on mail-matter sent to or received from foreign countries with which different rates have not been established by postal convention or other arrangement, when forwarded by vessels regularly employed in transporting the mail, shall be ten cents for each half-ounce or fraction thereof on letters, unless reduced by order of the Postmaster-General; two cents each on newspapers; and not exceeding two cents per each two ounces, or fraction thereof, on pamphlets, periodicals, books, and other printed matter, which postage shall be prepaid on matter sent and collected on matter received; and to avoid loss to the United States in the payment of balances, the Postmaster-General may collect the unpaid postage on letters from foreign countries in coin or its equivalent.

Postage on irregular sea-letters.

SEC. 3913. All letters conveyed by vessels not regularly employed in carrying the mail shall, if for delivery within the United States, be charged with double postage, to cover the fee paid to the vessel.

Title 46, Chap. 9.

United States vessels to carry mails; oath; penalty.

SEC. 3976. The master of any vessel of the United States bound from any port therein to any foreign port, or from any foreign port to any port of the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad, shall offer; and he shall promptly deliver the same, on arriving at the port of destination, to the proper officer, for which he shall receive two cents for every letter so delivered; and upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States. [See § 4203, VESSELS—MERCHANT.]

Act making appropriations for the Post-Office Department for the year 1875. Approved June 23, 1874.

June 23, 1874.

Rates of postage on newspapers and periodicals.

That on and after the first day of January, eighteen hundred and seventy-five, all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, issued weekly and more frequently than once a week, two cents for each pound or fraction thereof, and on those issued less frequently than once a week, three cents for each pound or fraction thereof. [Sec. 5.]

When delivered by carrier, &c.

Mailable matter of the third class.

That all mailable matter of the third class, referred to in section one hundred and thirty-three [sec. 3878 R. S.] of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June eighth, eighteen hundred and seventy-two, may weigh not exceeding four pounds for each package thereof,

and postage shall be charged thereon at the rate of one cent for each two * ounces or fraction thereof. [Sec. 8.]

That hereafter the postage on public documents mailed by any member of Congress, the President, or head of any Executive Department shall be ten cents for each bound volume, and on unbound documents the same rate as that on newspapers mailed from a known office of publication to regular subscribers; and the words "Public Document" written or printed thereon, or on the wrapper thereof, and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department shall be deemed a sufficient certificate that the same is a public document; and the term "public document" is hereby defined to be all publications printed by order of Congress, or either House thereof: *Provided*, That the postage on each copy of the daily Congressional Record mailed from the city of Washington as transient matter shall be one cent. [Sec. 13. See act March 3, 1875.]

Postage on public documents.

Certification.

"Public document" defined.

Postage on Congressional Record.

Act making appropriations for service of the Post-Office Department for 1876. Approved March 3, 1875.

March 3, 1875.

That the provisions of section thirteen of the act of June twenty-third, eighteen hundred and seventy-four, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," shall apply to ex-members of Congress and ex-delegates for the period of nine months after the expiration of their terms as members and delegates, and postage on public documents mailed by such persons shall be as provided in said section. [Sec. 3.]

Provisions of s. 13, act of June 23, 1874, to apply to ex-members of Congress.

That from and after the passage of this act, the Congressional Record or any part thereof, or speeches or reports therein contained, shall, under the frank of a member of Congress, or delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe; and that public documents already printed, or ordered to be printed, for the use of either House of Congress may pass free through the mails upon the frank of any member or delegate of the present Congress, written by himself, until the first day of December, anno Domini eighteen hundred and seventy-five. [Sec. 5.]

Congressional Record, &c., may be franked, &c.

That seeds transmitted by the Commissioner of Agriculture, or by any member of Congress or delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-delegates for the period of nine months after the expiration of their terms as members and delegates. [Sec. 7.]

Seeds and agricultural reports free.

Benefit extended to ex-members, &c.

USING OLD STAMPS.

Sec.
3924. Removal and re-use by employé.
3925. Same by other persons.

Title 46, Chap. 5.

SEC. 3924. If any person employed in any department of the Post-Office Establishment of the United States shall willfully and knowingly use, or cause to be used, in prepayment of postage, any postage-stamp, postal card, or stamped envelope issued, or which may hereafter be issued, by authority of any act of Congress, or of the Postmaster-General, which has already been once used for a like purpose, or shall remove, or attempt to remove, the canceling or defacing marks from any such postage-stamp, or stamped envelope, or postal-card, with intent to use or cause the use of the same a second time, or to sell, or offer to sell, the same, or shall remove from letters or other mail matter deposited in or received at a post-office the stamps attached to the same in payment of postage, with intent to use the same a second time for a like purpose, or to sell, or offer to sell, the same, every such offender shall be deemed guilty of felony, and shall be imprisoned for not less than one year nor more than three years.

Removal and re-use of old stamps by employé; penalty.

SEC. 3925. If any person, although not employed in any department of the Post-Office Establishment, shall commit any of the offenses described in the preceding section, every such person shall be deemed

The same by persons not in post-office employ.

* Made *one* ounce by act of March 3, 1875.

Postage on regular printed matter.

SEC. 3905. On newspapers and other periodical publ[ications] ceeding four ounces in weight, sent from a known [office] to regular subscribers, postage shall be charged [at the r]ate per quarter, namely: On publications issued [weekly or] a week, at the rate of one cent for each issue [not exc]eed cents; and five cents additional for each additional [issue per] a week. And an additional rate shall be charged [for each] four ounces or fraction thereof in weight.

Certain postage to be paid quarterly.

SEC. 3906. On newspapers and [periodicals] office of publication to regular subscribers, [postage] before delivery, for not less than three months, which payment may be made by the publishers [or] commencing at any time [and] postage in the quarter in which it is made.

Postage on transient, &c., matter.

SEC. 3910. On mailable matter [not] stated, postage shall be prepaid by stamps [at the] ounces or fraction thereof, except that [on] books, samples of merchandise, and [other] June 23, 1874, [page 250].

Clothing to soldiers by mail.

SEC. 3911. [Postmasters] ing two pounds in weight, [addressed] commissioned officers, [or] paid, at the [office] ject to [the] regulations [as] to [other] mail-matter.

Postage on foreign mail-matter.

SEC. [illegible] or [illegible] be [illegible]

[illegible] receipt for delivery of registered matter.

[illegible] security of valuable mail-matter, the Post-[illegible] a uniform system of registration. But [illegible] of its revenue shall not be liable for the loss [illegible] of its having been registered.

[illegible] shall be registered only on the application of [illegible] and the fee therefor shall not exceed twenty [illegible] postage, to be, in all cases, prepaid; and [illegible] for in such manner as the Postmaster-[illegible] but letters upon the official business of the Post-[illegible] require registering shall be registered free of [illegible] through the mails free of charge.

[illegible] shall be taken upon the delivery of any regis-[illegible] showing to whom and when the same was delivered, [illegible] to the sender, and be received in the courts as [illegible] of such delivery.

DEAD AND RETURNED LETTERS.

Sec.
3939. Request to be returned.
3940. Forwarding letters to another office.

Sec. Return of undelivered letters.
Sec. Proceeds of letters to dead-letter office.
Sec. Proceeds of valuable dead letters.

Post Office Dept. 1.

Post[age on] regu[lar printed matter] ters.

Return of undelivered letters for their

SEC. 3936. The Postmaster-General may regulate the period during which undelivered letters shall remain in any post-office, and when they shall be returned to the dead-letter office; and he may make regulations for their return from the dead-letter office to the writers, when they cannot be delivered to the parties addressed.

Unpaid letters to dead-letter office.

SEC. 3937. All domestic letters deposited in any post-office for mailing, on which the postage is wholly unpaid or paid less than one full rate as required by law, except letters lawfully free, and duly certified letters of soldiers, sailors, and marines in the service of the United States, shall be sent by the postmaster to the dead-letter office in Washington. But in large cities and adjacent districts of dense population, having two or more post-offices within a distance of three miles of each other, any letter mailed at one of such offices and addressed to a locality within the delivery of another of such offices, which shall have been inadvertently prepaid at the drop or local letter rate of postage only, may be forwarded to its destination through the proper office, charged with the amount of the deficient postage, to be collected on delivery.

Proceeds of valuable dead-letters.

SEC. 3938. Dead letters containing valuable inclosures shall be registered in the dead-letter office; and when they cannot be delivered to the party addressed nor to the writer, the contents thereof shall be disposed of, and a careful account shall be kept of the amount realized in each case, which shall be subject to reclamation by either the party addressed or the sender, for four years from the registry thereof; and all other letters of value or of importance to the party addressed or to the writer, and which cannot be returned to either, shall be disposed of as the Postmaster-General may direct.

Request to be returned.

SEC. 3939. When the writer of any letter on which the postage is prepaid shall indorse upon the outside thereof his name and address, such letter shall not be advertised, but after remaining uncalled for at the office to which it is directed thirty days, or the time the writer may direct, shall be returned to him without additional charge for postage, and if not then delivered shall be treated as a dead letter.

Forwarding letters from one office to another.

SEC. 3940. Prepaid letters shall be forwarded from one post-office to another, at the request of the party addressed, without additional charge for postage.

...ders and fees.
...ions for orders.
...rinted blanks.
...awn to be sent.
...r one year.

Sec.
4037. Indorsement of orders.
4038. Changes and modification of orders.
4039. Repayment of orders.
4040. Replacing lost orders.
—— Change in fees for money-orders.

...rder shall be issued for more than fifty dollars, ...hall be, for orders not exceeding ten dollars, five ... and not exceeding twenty dollars, ten cents; ex- ...d not exceeding thirty dollars, fifteen cents; exceed- ... not exceeding forty dollars, twenty cents; exceeding ..., twenty-five cents. [See act of March 3, 1875, *infra*.] Title 46, Chap. 18. Amount of orders and fees.

SEC. 4033. The Postmaster-General shall supply money-order offices ...ank forms of application for money-orders, which each applicant ...ill up with his name, the name and address of the party to whom ...e order is to be paid, the amount and the date of the application; and all such applications shall be preserved by the postmaster receiving them for such time as the Postmaster-General may prescribe. Blank applications for orders.

SEC. 4034. The Postmaster-General shall furnish money-order offices with printed or engraved forms for money-orders, and no order shall be valid unless it be drawn upon such form. Orders to be on printed blanks.

SEC. 4035. The postmaster issuing a money-order shall send a notice thereof by mail, without delay, to the postmaster on whom it is drawn. Notice of orders drawn to be sent.

SEC. 4036. No money-order shall be valid and payable unless presented to the postmaster on whom it is drawn within one year after its date; but the Postmaster-General, on the application of the remitter or payee of any such order, may cause a new order to be issued in lieu thereof. Order to be good for one year.

SEC. 4037. The payee of a money-order may, by his written indorsement thereon, direct it to be paid to any other person, and the postmaster on whom it is drawn shall pay the same to the person thus designated, provided he shall furnish such proof as the Postmaster-General may prescribe that the indorsement is genuine, and that he is the person empowered to receive payment; but more than one indorsement shall render an order invalid and not payable, and the holder, to obtain payment, must apply in writing to the Postmaster-General for a new order in lieu thereof, returning the original order, and making such proof of the genuineness of the indorsements as the Postmaster-General may require. Indorsement of orders.

SEC. 4038. After a money-order has been issued, if the purchaser desires to have it modified or changed, the postmaster who issued the order shall take it back and issue another in lieu of it, for which a new fee shall be exacted. Changes and modification of orders.

SEC. 4039. The postmaster issuing a money-order shall repay the amount of it upon the application of the person who obtained it, and the return of the order; but the fee paid for it shall not be returned. Repayment of orders.

SEC. 4040. Whenever a money-order has been lost, the Postmaster-General, upon the application of the remitter or payee of such order, may cause a duplicate thereof to be issued, without charge, providing the party losing the original shall furnish a certificate from the postmaster by whom it was payable that it has not been, and will not thereafter be, paid; and a similar certificate from the postmaster by whom it was issued that it has not been, and will not thereafter be, repaid. Replacing lost orders.

Legislative, executive, and judicial appropriation bill for 1876.

That on and after the first day of July, eighteen hundred and seventy-five, the fees on money-orders shall be, for orders not exceeding fifteen dollars, ten cents; exceeding fifteen, and not exceeding thirty dollars, fifteen cents; exceeding thirty and not exceeding forty dollars, twenty cents; exceeding forty and not exceeding fifty dollars, twenty-five cents; and no money-order shall be issued for a sum greater than fifty dollars. March 3, 1875. Fees on money-orders.

Approved March 3, 1875.

POSTAL CRIMES.

Sec.
5467. Embezzlement, &c., of letters containing inclosures.
5468. Meaning of words "intended to be conveyed by mail."
5469. Stealing or fraudulently obtaining mail, opening valuable letters, &c.
5470. Receiving articles stolen from the mail.
5471. Stealing, detaining, or destroying newspapers.
5472. Robbery of the mail.
5473. Attempting to rob the mail.
5474. Deserting the mail.
5475. Stealing post-office property.
5476. Injuring mail-bags, &c.
5534. Accessory to robbery of the mail.
5535. Accessory to stealing mail matter.

Title 70, Chap. 5.

Embezzlement, &c., of letters containing inclosures.

SEC. 5467. Any person employed in any department of the postal service who shall secrete, embezzle, or destroy any letter, packet, bag, or mail of letters intrusted to him, or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any mail-carrier, mail-messenger, route-agent, letter-carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General, and which shall contain any note, bond, draft, check, warrant, revenue-stamp, postage-stamp, stamped envelope, postal card, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt release, acquittance, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery or any execution which may have issued thereon; any copy of any other record, or any other article of value, or writing representing the same; any such person who shall steal or take any of the things aforesaid out of any letter, packet, bag, or mail of letters which shall have come into his possession, either in the regular course of his official duties or in any other manner whatever, and provided the same shall not have been delivered to the party to whom it was directed, shall be punishable by imprisonment at hard labor for not less than one year nor more than five years.

Meaning of words "intended to be conveyed by mail."

SEC 5468. The fact that any letter, packet, bag, or mail of letters has been deposited in any post-office or branch post-office established by authority of the Postmaster-General, or in any other authorized depository for mail-matter, or in charge of any postmaster, assistant, clerk, carrier, agent, or messenger employed in any department of the postal service, shall be evidence that the same was "intended to be conveyed by mail" within the meaning of the two preceding sections.

Stealing or fraudulently obtaining mail, opening valuable letters, &c.

SEC. 5469. Any person who shall steal the mail, or steal or take from or out of any mail or post-office, branch post-office, or other authorized depository for mail-matter, any letter or packet; any person who shall take the mail, or any letter or packet therefrom, or from any post-office, branch post-office, or other authorized depository for mail-matter, with or without the consent of the person having custody thereof, and open, embezzle, or destroy any such mail, letter, or packet which shall contain any note, bond, draft, check, warrant, revenue-stamp, postage-stamp, stamped envelope, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittance, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery, or any execution which may have issued thereon; any copy of any other record, or any other article of value, or any writing representing the same; any person who shall, by fraud or deception, obtain, from any person having custody thereof, any

such mail, letter, or packet containing any such article of value shall, although not employed in the postal service, be punishable by imprisonment at hard labor for not less than one year and not more than five years. [See § 5535.]

Receiving articles stolen from the mail.

SEC. 5470. Any person who shall buy, receive, or conceal, or aid in buying, receiving, or concealing, any note, bond, draft, check, warrant, revenue-stamp, postage-stamp, stamped envelope, postal card, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment of money or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittal, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery, or any execution which may have issued thereon any copy of any other record, or any other article of value or writing representing the same, knowing any such article or thing to have been stolen or embezzled from the mail, or out of any post-office, branch post-office, or other authorized depository for mail-matter, or from any person having custody thereof, shall be punishable by a fine of not more than two thousand dollars, and by imprisonment at hard labor for not more than five years.

Stealing, detaining, or destroying newspapers.

SEC. 5471. Any person employed in any department of the postal service who shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed, shall be punishable by a fine of not more than fifty dollars. And if any other person shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same, he shall be punishable by a fine of not more than twenty dollars. And any person who shall take or steal any mail or package of newspapers from any post-office, or from any person having custody thereof, shall be imprisoned at hard labor for not more than three months.

Robbery of the mail.

SEC. 5472. Any person who shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be punishable by imprisonment at hard labor for not less than five years and not more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of dangerous weapons, such offender shall be punishable by imprisonment at hard labor for the term of his natural life. [See § 5534.]

Attempting to rob the mail.

SEC. 5473. Any person who shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with dangerous weapons, and shall not effect such robbery, shall be punishable by imprisonment at hard labor for not less than two years and not more than ten years.

Deserting the mail.

SEC. 5474. Any person who shall have taken charge of the mail and shall voluntarily quit or desert the same before he has delivered it into the post-office at the termination of the route, or to some known mail-carrier, messenger, agent, or other employé of the Post-Office Department authorized to receive the same, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not less than three months nor more than one year.

Stealing post-office property.

SEC. 5475. Any person who shall steal, purloin, or embezzle any mail-bag or other property in use by or belonging to the Post-Office Department, or who shall, for any lucre, gain, or convenience, appropriate any such property to his own or any other than its proper use, or who shall, for any lucre or gain, convey away any such property to the hinderance or detriment of the public service; if the value of the property be twenty-five dollars or more, the offender shall be punishable by imprisonment at hard labor for not more than three years, and if the value of the property be less than twenty-five dollars, the offender shall be punishable by imprisonment for not more than one year, or by a fine of not less than ten dollars and not more than two hundred dollars.

Injuring mail-bags, &c.

SEC. 5476. Any person who shall tear, cut, or otherwise injure any mail-bag, pouch, or other thing used or designed for use in the conveyance of the mail, or who shall draw or break any staple, or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be punishable by a fine of not less than one hundred dollars and not more than five hundred, or by imprisonment at hard labor for not less than one year and not more than three years.

Title 70, Chap. 8.

Accessory to robbery of the mail.

SEC. 5534. Every accessory after the fact to any robbery of the carrier, agent, or other person intrusted with the mail, of such mail or of any part thereof, shall be fined not more than two thousand dollars, and be imprisoned at hard labor not more than ten years.

Accessory to stealing mail-matter.

SEC. 5535. Every accessory after the fact to the offense of stealing or taking any letter, or other mail-matter, or any inclosure therein, shall be fined not more than one thousand dollars, and be imprisoned not more than five years. [See §§ 5467, 5469, 5471.]

PRESENTS.

See BRIBES.

PRESIDENT AND VICE-PRESIDENT.

Sec.
131. Time of appointing electors.
132. Number of electors.
133. Vacancies in electoral college.
134. Failure to make a choice on the appointed day.
135. Meeting of electoral college.
136. List of names of electors to be furnished to them.
137. Manner of voting.
138. Certificates to be made and signed.
139. Certificates to be sealed and indorsed.
140. Transmission of the certificates.
141. When Secretary of State shall send for district judge's list.
142. Counting the electoral votes in Congress.
143. Provision for absence of President of the Senate.
144. Mileage of messengers.
145. Forfeiture for messenger's neglect of duty.
146. Vacancy in both offices.
147. Notification of vacancies to be published.
148. Requisites of the notification.
149. Time of holding election to fill vacancy.
150. Regulations for quadrennial election made applicable to election to fill vacancies.
151. Resignation or refusal of office.
152. Commencement of term of office.
153. President's salary.
154. Vice-President's salary.
155. Officers of the President's household.
156. Duties or the steward.
157. The steward's bond.
1829. Furniture for President's House.

Title 3, Chap. 1.

Time of appointing electors.

SEC. 131. Except in case of a presidential election prior to the ordinary period, as specified in sections one hundred and forty-seven to one hundred and forty-nine, inclusive, when the offices of President and Vice-President both become vacant, the electors of President and Vice-President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and a Vice-President.

Number of electors.

SEC. 132. The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice-President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives.

Vacancies in electoral college.

SEC. 133. Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.

Failure to make a choice on the appointed day.

SEC. 134. Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

Meeting of electoral college.

SEC. 135. The electors for each State shall meet and give their votes upon the first Wednesday in December in the year in which they are appointed, at such place, in each State, as the legislature of such State shall direct.

List of names of electors to be furnished to them.

SEC. 136. It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the day on which they are required, by the preceding section, to meet.

Manner of voting.

SEC. 137. The electors shall vote for President and Vice-President, respectively, in the manner directed by the Constitution.

Certificates to be made and signed.

SEC. 138. The electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two dis-

tinct lists, one of the votes for President, and the other of the votes for Vice-President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

Certificates to be sealed and indorsed.

SEC. 139. The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice-President, are contained therein.

Transmission of the certificates.

SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:

One. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the certificates.

Two. They shall forthwith forward by the post-office to the President of the Senate, at the seat of Government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble.

When Secretary of State shall send for district judge's list.

SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of Government on the first Wednesday of January indicated by the preceding section, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of Government.

Counting the electoral votes in Congress.

SEC. 142. Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice-President ascertained and declared, agreeable to the Constitution.

Provision for absence of President of the Senate.

SEC. 143. In case there shall be no President of the Senate at the seat of Government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such persons shall deliver such certificates into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate.

Mileage of messengers.

SEC. 144. Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of Government of the United States.

Forfeiture for messenger's neglect of duty.

SEC. 145. Every person who, having been appointed, pursuant to subdivision one of section one hundred and forty or to section one hundred and forty-one, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required of him, shall forfeit the sum of one thousand dollars.

Vacancy in both offices.

SEC. 146. In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected.

Notification of vacancies to be published.

SEC. 147. Whenever the offices of President and Vice-President both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State.

Requisites of the notification.

SEC. 148. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States, as follows:

First. If there shall be the space of two months yet to ensue between the date of such notification and the first Wednesday in December then next ensuing, such notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding such first Wednesday in December.

Second. If there shall not be the space of two months between the date of such notification and such first Wednesday in December, and if the term for which the President and Vice-President last in office were elected will not expire on the third day of March next ensuing, the

notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing. But if there shall not be the space of two months between the date of such notification and the first Wednesday in December then next ensuing, and if the term for which the President and Vice-President last in office were elected will expire on the third day of March next ensuing, the notification shall not specify that electors are to be appointed or chosen.

Time of holding election to fill vacancy.

SEC. 149. Electors appointed or chosen upon the notification prescribed by the preceding section shall meet and give their votes upon the first Wednesday of December specified in the notification.

Regulations for quadrennial election made applicable to election to fill vacancies.

SEC. 150. The provisions of this Title, relating to the quadrennial election of President and Vice-President, shall apply with respect to any election to fill vacancies in the offices of President and Vice-President, held upon a notification given when both offices become vacant.

Resignation or refusal of office.

SEC. 151. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

Title 3, Chap. 2.

Commencement of term of office.

SEC. 152. The term of four years for which a President and Vice-President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the electors have been given.

President's salary.

SEC. 153. The President shall receive in full for his services during the term for which he shall have been elected the sum of fifty thousand dollars a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion. [See § 1829.]

Vice-President's salary.

SEC. 154. The Vice-President shall receive in full for his services during the term for which he shall have been elected the sum of ten thousand dollars a year, to be paid monthly.*

Officers of the President's household.

SEC. 155. The President is authorized to appoint or employ in his official household the following officers:

One private secretary, at a salary of three thousand five hundred dollars a year.

One assistant secretary, who shall be a short-hand writer, at a salary of two thousand five hundred dollars a year.

Two executive clerks, at a salary of two thousand three hundred dollars a year each.

One steward of the President's household, at a salary of two thousand dollars a year.

One messenger, at a salary of one thousand two hundred dollars a year.

Duties of the steward.

SEC. 156. The steward of the President's household shall, under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and other public property in the President's mansion, and shall discharge such other duties as the President may assign him.

The steward's bond.

SEC. 157. The steward of the President's household shall, before entering upon the duties of his office, give a bond to the United States for the faithful discharge of his trust. Such bond must be in such sum as the Secretary of the Interior shall deem sufficient, and must be approved by him.

Title 21.

Furniture for President's House.

SEC. 1829. All furniture purchased for the use of the President's House shall be, as far as practicable, of domestic manufacture.

* Now eight thousand dollars. Whenever there is no Vice-President, the President of the Senate, for the time being, is entitled to the salary.

PRISONERS AND THEIR TREATMENT.

Sec.
5409. Allowing prisoners to escape.
5410. Application of preceding section.
5536. Expenses for prisoners to be paid by the United States.
5537. Places of confinement.
5538. Marshal to make provision for safe-keeping of prisoners.
5539. United States convicts in State penitentiaries.
5540. Selection of a penitentiary where a judicial district is divided.
5541. Sentences to imprisonment for more than a year, where to be executed.
5542. Penitentiary sentences, where to be executed.
5543. Deductions from term of imprisonment for good conduct.
5544. Application of preceding section.
5545. Actual reasonable cost of subsisting prisoners to be paid.
5546. Designation of penitentiary by Attorney-General.
5547. Attorney-General to contract for subsistence, &c.
5548. Court may order sentences executed in house of correction.
5549. Confinement of juvenile offenders.
5550. Attorney-General to contract for their subsistence, &c.
—— Deduction from term of sentence.
—— Clothes and money on discharge.

Title 70, Chap. 4.

Allowing prisoners to escape.

SEC. 5409. Whenever any marshal, deputy marshal, ministerial officer, or other person, has in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person, voluntarily suffers such prisoner to escape, he shall be fined not more than two thousand dollars, or imprisoned for a term not more than two years, or both.

Application of preceding section.

SEC. 5410. The preceding section shall be construed to apply not only to cases in which the prisoner who escaped was charged or found guilty of an offense against the laws of the United States, but also to cases in which a prisoner may be in custody charged with offenses against any foreign government with which the United States have treaties of extradition.

Title 70, Chap. 9.

Expenses for prisoners to be paid by the United States.

SEC. 5536. All the expenses attendant upon the transportation from place to place, and upon the temporary or permanent confinement of persons arrested or committed under the laws of the United States, as well as upon the execution of any sentence of a court thereof respecting them, shall be paid out of the Treasury of the United States in the manner provided by law.

Places of confinement.

SEC. 5537. In a State where the use of jails, penitentiaries, or other houses is not allowed for the imprisonment of persons arrested or committed under the authority of the United States, any marshal in such State, under the direction of the judge of the district, may hire, or otherwise procure, within the limits of such State, a convenient place to serve as a temporary jail.

Marshal to make provision for safe-keeping of prisoners.

SEC. 5538. The marshal shall make such other provision as he may deem expedient and necessary for the safe-keeping of the prisoners arrested or committed under the authority of the United States, until permanent provision for that purpose is made by law.

United States convicts in State penitentiaries.

SEC. 5539. Whenever any criminal, convicted of any offense against the United States, is imprisoned in the jail or penitentiary of any State or Territory, such criminal shall in all respects be subject to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which such jail or penitentiary is situated; and while so confined therein shall be exclusively under the control of the officers having charge of the same, under the laws of such State or Territory.

Selection of a penitentiary where a judicial district is divided.

SEC. 5540. Where a judicial district has been or may hereafter be divided, the circuit and district courts of the United States shall have power to sentence any one convicted of an offense punishable by imprisonment at hard labor to the penitentiary within the State, though it be out of the judicial district in which the conviction is had.

Sentences to imprisonment for more than a year, where to be executed.

SEC. 5541. In every case where any person convicted of any offense against the United States is sentenced to imprisonment for a period longer than one year, the court by which the sentence is passed may order the same to be executed in any State jail or penitentiary within the district or State where such court is held, the use of which jail or penitentiary is allowed by the legislature of the State for that purpose.

Penitentiary sentences, where to be executed.

SEC. 5542. In every case where any criminal convicted of any offense against the United States is sentenced to imprisonment and confinement to hard labor, it shall be lawful for the court by which the sentence is passed to order the same to be executed in any State jail or penitentiary within the district or State where such court is held, the use of which jail or penitentiary is allowed by the legislature of the State for that purpose.

Deductions from term of imprisonment for good conduct.

SEC. 5543. All prisoners who have been, or may be, convicted of any offense against the laws of the United States, and confined in any State jail or penitentiary in execution of the judgment upon such conviction, who so conduct themselves that no charge for misconduct is sustained against them, shall have a deduction of one month in each year made from the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden or keeper of such jail or penitentiary, with the approval of the Attorney-General. [See March 3, 1875, *post.*]

Application of preceding section.

SEC. 5544. The preceding section, however, shall apply to such prisoners only as are confined in jails or penitentiaries where no credits for good behavior are allowed; but, in other cases, all prisoners now or hereafter confined in the jails or penitentiaries of any State for offenses against the United States, shall be entitled to the same rule of credits for good behavior applicable to other prisoners in the same jail or penitentiary.

Actual reasonable cost of subsisting prisoners to be paid.

SEC. 5545. Hereafter there shall be allowed and paid by the Attorney-General, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it reasonably and actually cost to subsist them. And it shall be the duty of the Attorney-General to prescribe such regulations for the government of the marshals and the warden of the jail in the District of Columbia, in relation to their duties under this chapter, as will enable him to determine the actual and reasonable expense incurred.

Designation of penitentiary by Attorney-General.

SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime, by any court of the United States, whose punishment is imprisonment, in a district or Territory where, at the time of conviction, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the d strict or Territory where the conviction has occurred; and if the conviction be had in the District of Columbia, in such case the transportation and delivery shall be by the warden of the jail of that District; the reasonable actual expense of transportation, necessary subsistence and hire, and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Attorney-General, out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences.

Attorney-General to contract for subsistence, &c.

SEC. 5547. The Attorney-General shall contract with the managers or proper authorities having control of such prisoners, for the imprisonment, subsistence, and proper employment of them, and shall give the court having jurisdiction of such offenses notice of the jail or penitentiary where such prisoners will be confined.

Court may order sentences executed in house of correction.

SEC. 5548. Whenever any person is convicted of any offense against the United States which is punishable by fine and imprisonment, or by either, the court by which the sentence is passed may order the sentence to be executed in any house of correction or house of reformation for juvenile delinquents within the State or district where such court is held, the use of which is authorized by the legislature of the State for such purpose.

Confinement of juvenile offenders.

SEC. 5549. Juvenile offenders against the laws of the United States, being under the age of sixteen years, and who may hereafter be convicted of crime, the punishment whereof is imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such conviction has occurred; or if such conviction be had in the District of Columbia, then the transportation and delivery shall be by the warden of the jail of that district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden, only, shall be paid by the Attorney-General, out of the judiciary fund.

SEC. 5550. The Attorney-General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney-General.

Attorney-General to contract for their subsistence, &c.

An act to provide for deductions from the terms of sentence of United States prisoners.

March 3, 1875.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all prisoners who have been, or shall hereafter be, convicted of any offence against the laws of the United States, and confined, in execution of the judgment or sentence upon such conviction, in any prison or penitentiary of any State or Territory which has no system of commutation for its own prisoners, shall have a deduction from their several terms of sentence of five days in each and every calendar month during which no charge of misconduct shall have been sustained against each severally, who shall be discharged at the expiration of his term of sentence less the time so deducted, and a certificate of the warden or keeper of such prison penitentiary of such deduction shall be entered on the warrant of commitment: *Provided*, That, if during the term of imprisonment the prisoner shall commit any offence for which he shall be convicted by a jury, all remissions theretofore made shall be thereby annulled.

Deductions from terms of sentence of certain United States prisoners.

Certificate of warden.

Remissions annulled by new offenses during term.

SEC. 2. That on the discharge from any prison of any person convicted under the laws of the United States on indictment, he or she shall be provided by the warden or keeper of said prison with one plain suit of clothes and five dollars in money, for which charge shall be made and allowed in the accounts of said prison with the United States: *Provided*, That this section shall not apply to persons sentenced for a term of imprisonment of less than six months.

Clothes and money furnished to prisoner on discharge.

Proviso.

Approved, March 3, 1875.

[See article 7, "Government of the Navy," paragraph 18, relative to allowing naval prisoners to escape; also, section 1575, LOST VESSELS, as to pay and emoluments of prisoners of war taken by an enemy.]

PRIZE.

Sec.
565. Prize causes after appeal.
1006. Amendments in prize appeals.
1009. Appeals in prize causes.
4613. Application of provisions of Title.
4614. What are "vessels of the Navy."
4615. Duties of commanding officer upon making captures.
4616. Statement of claim to share in prize.
4617. Duties of prize-master.
4618. Libel and proceedings by district attorney.
4619. Duties of district attorneys.
4620. Special counsel for captors.
4621. Appointment of prize-commissioners.
4622. Duties of prize-commissioners.
4623. Duties of marshal.
4624. Appraisal, &c., of property taken for Government.
4625. Proceedings for adjudication where property is not sent in.
4626. Delivery of property on stipulation.
4627. When property may be sold.
4628. Mode of making sale.
4629. Transfer of property to another district for sale.
4630. Share of captors.
4631. Distribution of proceeds to captors.
4632. What vessels are entitled to share.
4633. What officers are entitled to share.
4634. Determination of shares.
4635. Bounty for persons on board vessels sunk or destroyed.
4636. Appeals and amendments in prize-cases.
4637. Powers of district court after appeal.
4638. Security for costs.
4639. Costs and expenses.
4640. Payment of expenses from prize-fund.
4641. Payment of prize-money.
4642. Distribution of bounty, salvage, &c.
4643. Assignments, &c., of prize-money and bounty.
4644. Accounts of clerks of district courts.
4645. Allowances and commissions to marshals.
4646. Compensation of district attorney and prize-commissioners.
4647. Accounts of district attorney and prize-commissioner.
4648. Compensation of special counsel.
4649. Payment of fees of special counsel.
4650. Commissions of auctioneers.
4651. Payment of fees of witnesses.
4652. Recaptures.
5310. Property taken on inland waters.
5441. Delaying or defrauding captor or claimant.
Art. 15. Transmission of prize-lists.
Art. 16. Removing property from captured vessels before condemned as prize.
Art. 17. Maltreating persons taken on a prize.
—— Correction of errors in prize-lists.

SEC. 565. Any district court may, notwithstanding an appeal to the Supreme Court, in any prize cause, make and execute all necessary orders for the custody and disposal of the prize property, and, in case of an appeal from a decree of condemnation, may proceed to make a decree of distribution, so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein.

Title 13, Chap. 3.

May proceed in prize causes after appeal.

Title 13, Chap. 18.

Amendments in prize appeals.

SEC. 1006. The Supreme Court may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize causes. [See § 4636.]

Appeals in prize causes, within what time.

SEC. 1009. Appeals in prize causes shall be made within thirty days after the rendering of the decree appealed from, unless the court previously extends the time, for cause shown in the particular case: *Provided*, That the Supreme Court may, if in its judgment the purposes of justice require it, allow an appeal in any prize cause, if it appears that any notice of appeal, or of intention to appeal, was filed with the clerk of the district court within thirty days next after the rendition of the final decree therein. [See § 695, SUPREME COURT, and § 4636.]

Title 54.

Application of provisions of Title.

SEC. 4613. The provisions of this Title shall apply to all captures made as prize by authority of the United States, or adopted and ratified by the President of the United States.

What are vessels of the Navy.

SEC. 4614. The term "vessels of the Navy," as used in this Title, shall include all armed vessels officered and manned by the United States, and under the control of the Department of the Navy.

Duties of commanding officer upon making capture.

SEC. 4615. The commanding officer of any vessel making a capture shall secure the documents of the ship and cargo, including the log-book, with all other documents, letters, and other papers found on board, and make an inventory of the same, and seal them up, and send them, with the inventory, to the court in which proceedings are to be had, with a written statement that they are all the papers found, and are in the condition in which they were found; or explaining the absence of any documents or papers, or any change in their condition. He shall also send to such court, as witnesses, the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any person found on board whom he may suppose to be interested in, or to have knowledge respecting, the title, national character, or destination of the prize. He shall send the prize, with the documents, papers, and witnesses, under charge of a competent prize-master and prize-crew, into port for adjudication, explaining the absence of any usual witnesses; and in the absence of instructions from superior authority as to the port to which it shall be sent, he shall select such port as he shall deem most convenient, in view of the interests of probable claimants, as well as of the captors. If the captured vessel, or any part of the captured property, is not in condition to be sent in for adjudication, a survey shall be had thereon and an appraisement made by persons as competent and impartial as can be obtained, and their reports shall be sent to the court in which proceedings are to be had; and such property, unless appropriated for the use of the Government, shall be sold by the authority of the commanding officer present, and the proceeds deposited with the assistant treasurer of the United States most accessible to such court, and subject to its order in the cause. [See § 1624, Art. 15, page 229.]

Statement of claim to share in prize.

SEC. 4616. If any vessel of the United States shall claim to share in a prize, either as having made the capture, or as having been within signal distance of the vessel or vessels making the capture, the commanding officer of such vessel shall make out a written statement of his claim, with the grounds on which it is founded, the principal facts tending to show what vessels made the capture, and what vessels were within signal distance of those making the capture, with reasonable particularity as to times, distances, localities, and signals made, seen, or answered; and such statement of claim shall be signed by him and sent to the court in which proceedings shall be had, and shall be filed in the cause.

Duties of prize-master.

SEC. 4617. The prize-master shall make his way diligently to the selected port, and there immediately deliver to a prize-commissioner the documents and papers, and the inventory thereof, and make affidavit that they are the same, and are in the same condition as delivered to him, or explaining any absence or change of condition therein, and that the prize-property is in the same condition as delivered to him, or explaining any loss or damage thereto; and he shall further report to the district-attorney and give to him all the information in his possession respecting the prize and her capture; and he shall deliver over the persons sent as witnesses to the custody of the marshal, and shall retain the prize in his custody until it shall be taken therefrom by process from the prize-court. [See § 5441.]

Libel and proceedings by district attorney.

SEC. 4618. Upon receiving the report of the prize-master directed by the preceding section, the attorney of the United States for the district

shall immediately file a libel against such prize property, and shall forthwith obtain a warrant from the court, directing the marshal to take it into his custody, and shall proceed diligently to obtain a condemnation and distribution thereof; and to that end shall see that the proper preparatory evidence is taken by the prize-commissioners, and that the prize-commissioners also take the depositions de bene esse of the prize-crew, and of other transient persons cognizant of any facts bearing on condemnation or distribution.

Duties of district attorneys.

SEC. 4619. The district attorneys of the several judicial districts shall represent the interests of the United States in all prize-causes, and shall not act as separate counsel for the captors on any private retainer or compensation from them, unless in a question between the claimants and the captors, on a demand for damages. They shall examine all fees, costs, and expenses, sought to be charged on any prize-fund, and protect the interest of the captors and of the United States. The district attorneys of all districts in which any prize-causes are or may be pending shall, as often as once in three months, send to the Secretary of the Navy a statement of the condition of all prize-causes pending in their districts, in such form and embracing such particulars as the Secretary of the Navy shall require.

Special counsel for captors.

SEC. 4620. In any case of capture made by vessels of the Navy, the Secretary of the Navy may employ special counsel for captors, when, in his judgment, the services of such special counsel are needed in the particular case, for the due protection of the interests of the captors and of the Navy-pension fund; and, under the direction of the Secretary of the Navy, such counsel may institute and prosecute such proceedings in the case as may be necessary and proper for the protection of such interests. [See §§ 361, 363–365, DEPARTMENT OF JUSTICE.]

Appointment of prize-commissioners.

SEC. 4621. Any district court may appoint prize-commissioners, not exceeding three in number; of whom one shall be a retired naval officer, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the Navy, and who shall protect the interests of the captors and of the Department of the Navy in the prize-property; and at least one of the others shall be a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions.

Duties of prize-commissioners.

SEC. 4622. The prize-commissioners, or one of them, shall receive from the prize-master the documents and papers, and inventory thereof, and shall take the affidavit of the prize-master required by section forty-six hundred and seventeen, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize-courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested, without special authority from the court; and witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize-commissioners shall also take depositions de bene esse of the prize-crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize-property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be in the marshal only. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken de bene esse, and their own inventory of the prize-property; and if the captured vessel, or any of its cargo or stores, are such as in their judgment may be useful to the United States in war, they shall report the same to the Secretary of the Navy. [See § 5441.]

Duties of marshal.

SEC. 4623. The marshal shall safely keep all prize-property under warrant from the court, and shall report to the court any cargo or other property that he thinks requires to be unladen and stored, or to be sold. He shall insure prize-property, if in his judgment it is for the interest

of all concerned. He shall keep in his custody all persons found on board a prize and sent in as witnesses, until they are released by the prize-commissioners or the court. If a sale of property is ordered, he shall sell the same in the manner required by the court, and collect the purchase-money, and forthwith deposit the gross proceeds of the sales with the assistant treasurer of the United States nearest the place of sale, subject to the order of the court in the particular cause; and each marshal shall forward to the Secretary of the Navy, whenever and as often as the Secretary of the Navy may require it, a full statement of the condition of each prize and of the disposal made thereof

Appraisal, &c., of property taken for Government.

SEC. 4624. Whenever any captured vessel, arms, munitions, or other material are taken for the use of the United States before it comes into the custody of the prize court, it shall be surveyed, appraised, and inventoried, by persons as competent and impartial as can be obtained, and the survey, appraisement, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterward, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants and captors. In all cases of prize-property taken for or appropriated to the use of the Government, the Department for whose use it is taken or appropriated shall deposit the value thereof with the assistant treasurer of the United States nearest to the place of the session of the court, subject to the order of the court in the cause.

Proceedings for adjudication where property is not sent in.

SEC. 4625. If by reason of the condition of the captured property, or if because the whole has been appropriated to the use of the United States, no part of it has been or can be sent in for adjudication, or if the property has been entirely lost or destroyed, proceedings for adjudication may be commenced in any district the Secretary of the Navy may designate; and in any such case the proceeds of anything sold, or the value of anything taken or appropriated for the use of the United States, shall be deposited with the assistant treasurer in or nearest to that district, subject to the order of the court in the cause. If, when no property can be sent in for adjudication, the Secretary of the Navy shall not, within three months after any capture, designate a district for the institution of proceedings, the captors may institute proceedings for adjudication in any district. And if in any case of capture no proceedings for adjudication are commenced within a reasonable time, any parties claiming the captured property may, in any district court as a court of prize, move for a monition to show cause why such proceedings shall not be commenced, or institute an original suit in such court for restitution, and the monition issued in either case shall be served on the attorney of the United States for the district, and on the Secretary of the Navy, as well as on such other persons as the court shall order to be notified.

Delivery of property on stipulation.

SEC. 4626. No prize-property shall be delivered to the claimants on stipulation, deposit, or other security, except where there has been a decree of restitution and the captors have appealed therefrom, or where the court, after a full hearing on the preparatory proofs, has refused to condemn the property on those proofs, and has given the captors leave to take further proofs, or where the claimant of any property shall satisfy the court that the same has a peculiar and intrinsic value to him, independent of its market-value. In any of these cases, the court may deliver the property on stipulation or deposit of its value, if satisfied that the rights and interests of the United States and captors, or of other claimants, will not be prejudiced thereby; but a satisfactory appraisement shall be first made, and an opportunity given to the district attorney and naval prize-commissioner to be heard as to the appointment of appraisers. Any money deposited in lieu of stipulation, and all money collected on a stipulation, not being costs, shall be deposited with the assistant treasurer, in the same manner as proceeds of a sale.

When property may be sold.

SEC. 4627. Whenever any prize-property is condemned, or at any stage of the proceedings is found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same are disproportionate to its value, the court shall order a sale of such property; and whenever, after the return-day on the libel, all the parties in interest who have appeared in the cause agree thereto, the court may make such order; and no appeal shall operate to prevent the making or execution of such order.

Mode of making sale.

SEC. 4628. Upon a sale of any prize-property by order of the court, the Secretary of the Navy shall employ an auctioneer of known skill

in the branch of business to which any sale pertains, to make the sale, but the sale shall be conducted under the supervision of the marshal, and the collecting and depositing of the gross proceeds shall be by the auctioneer or his agent. Before any sale the marshal shall cause full catalogues and schedules to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in each cause. The marshal shall cause all sales to be advertised fully and conspicuously in newspapers ordered by the court, and by posters, and he shall, at least five days before the sale, serve notice thereof upon the naval prize-commissioner, and the goods shall be open to inspection at least three days before the sale.

Transfer of property to another district for sale.

SEC. 4629. Whenever it appears to the court, in the case of any prize-property ordered to be sold, that it will be for the interest of all parties to have it sold in another district, the court may direct the marshal to transfer the same to the district selected by the court for the sale, and to insure the same, with proper orders as to the time and manner of selling the same. It shall be the duty of the marshal so to transfer the property, and keep and sell the same in like manner as if the property were in his own district; and he shall deposit the gross proceeds of the sale with the assistant treasurer nearest to the place of sale, subject to the order of the court in which the adjudication thereon is pending. The necessary expenses attending the insuring, transferring, receiving, keeping, and selling the property shall be a charge upon it and upon the proceeds thereof; and whenever any such expense is paid in advance by the marshal, and he is not repaid from the proceeds, any amount not so repaid shall be allowed to him, as in case of expenses incurred in suits in which the United States is a party. The Secretary of the Navy may, in like manner, either by a general regulation or by special direction in any cause, require a marshal to transfer any prize-property from the district in which the judicial proceedings are pending, to any other district for sale; and the same proceedings shall be had as if such transfer had been made by order of the court. [See § 5441.]

Share of captors.

SEC. 4630. The net proceeds of all property condemned as prize, shall, when the prize was of superior or equal force to the vessel or vessels making the capture, be decreed to the captors; and when of inferior force, one-half shall be decreed to the United States and the other half to the captors, except that in case of privateers and letters of marque, the whole shall be decreed to the captors, unless it shall be otherwise provided in the commissions issued to such vessels. [See §§ 4752, 4759, PENSIONS.]

Distribution of proceeds to captors.

SEC. 4631. All prize-money adjudged to the captors shall be distributed in the following proportions:

First. To the commanding officer of a fleet or squadron, one-twentieth part of all prize-money awarded to any vessel or vessels under his immediate command.*

Second. To the commanding officer of a division of a fleet or squadron, on duty under the orders of the commander-in-chief of such fleet or squadron, a sum equal to one-fiftieth part of any prize-money awarded to a vessel of such division for a capture made while under his command, such fiftieth part to be deducted from the moiety due to the United States, if there be such moiety, otherwise from the amount awarded to the captors; but such fiftieth part shall not be in addition to any share which may be due to the commander of the division, and which he may elect to receive, as commander of a single ship making or assisting in the capture.*

Third. To the fleet-captain, one-hundredth part of all prize-money awarded to any vessel or vessels of the fleet or squadron in which he is serving, except in a case where the capture is made by the vessel on board of which he is serving at the time of such capture; and in such case he shall share, in proportion to his pay, with the other officers and men on board such vessel.

Fourth. To the commander of a single-vessel, one-tenth part of all the prize-money awarded to the vessel under his command, if such vessel at the time of the capture was under the command of the commanding officer of a fleet or squadron, or a division, and three-twentieths if his vessel was acting independently of such superior officer.

Fifth. After the foregoing deductions, the residue shall be distributed and proportioned among all others doing duty on board, including the

* See act of June 8, 1874, *post*.

fleet-captain, and borne upon the books of the ship, in proportion to their respective rates of pay in the service.

What vessels are entitled to share.

SEC. 4632. All vessels of the Navy within signal-distance of the vessel or vessels making the capture, under such circumstances and in such condition as to be able to render effective aid, if required, shall share in the prize; and in case of vessels not of the Navy, none shall be entitled to share except the vessel or vessels making the capture; in which term shall be included vessels present at and rendering actual assistance in the capture.

What officers are entitled to share.

SEC. 4633. No commanding officer of a fleet or squadron shall be entitled to receive any share of prizes captured by any vessel or vessels not under his command, nor of such prizes as may have been captured by any vessels intended to be placed under his command, before they have acted under his orders. Nor shall the commanding officer of a fleet or squadron, leaving the station where he had command, have any share in the prizes taken by ships left on such station after he has gone out of the limits of his command, nor after he has transferred his command to his successor. No officer or other person who shall have been temporarily absent on duty from a vessel on the books of which he continued to be borne, while so absent, shall be deprived, in consequence of such absence, of any prize-money to which he would otherwise be entitled. And he shall continue to share in the captures of the vessels to which he is attached, until regularly discharged therefrom.

Determination of shares.

SEC. 4634. Whenever a decree of condemnation is rendered, the court shall consider the claims of all vessels to participate in the proceeds, and for that purpose shall, at as early a stage of the cause as possible, order testimony to be taken tending to show what part should be awarded to the captors, and what vessels are entitled to share; and such testimony may be sworn to before any judge or commissioner of the courts of the United States, consul or commercial agent of the United States, or notary public, or any officer of the Navy highest in rank, reasonably accessible to the deponent. The court shall make a decree of distribution, determining what vessels are entitled to share in the prize, and whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture. The decree shall recite the amount of the gross proceeds of the prize subject to the order of the court, and the amount deducted therefrom for costs and expenses, and the amount remaining for distribution, and whether the whole of such residue is to go to the captors, or one-half to the captors, and one-half to the United States.

Bounty for persons on board vessels sunk or destroyed.

SEC. 4635. A bounty shall be paid by the United States for each person on board any ship or vessel of war belonging to an enemy at the commencement of an engagement, which is sunk or otherwise destroyed in such engagement by any ship or vessel belonging to the United States or which it may be necessary to destroy in consequence of injuries sustained in action, of one hundred dollars, if the enemy's vessel was of inferior force, and of two hundred dollars, if of equal or superior force, to be divided among the officers and crew in the same manner as prize-money; and when the actual number of men on board any such vessel cannot be satisfactorily ascertained, it shall be estimated according to the complement allowed to vessels of its class in the Navy of the United States; and there shall be paid as bounty to the captors of any vessel of war captured from an enemy, which they may be instructed to destroy, or which is immediately destroyed for the public interest, but not in consequence of injuries received in action, fifty dollars for every person who shall be on board at the time of such capture.

Appeals and amendments in prize-cases.

SEC. 4636. The Supreme Court may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize cases, or allow a prize appeal therein, if it appears that any notice of appeal or of intention to appeal was filed with the clerk of the district court within thirty days next after the rendition of the final decree therein. [See §§ 1006, 1009.]

Powers of district court after appeal.

SEC. 4637. Notwithstanding any appeal to the Supreme Court, the district court may make and execute all necessary orders for the custody and disposal of the prize-property; and in case of appeal from a decree of condemnation, may still proceed to make a decree of distribution so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein. [See § 565.]

Security for costs.

SEC. 4638. The court may require any party, at any stage of the cause, and on claiming an appeal, to give security for costs.

Costs and expenses.

SEC. 4639. All costs and all expenses incident to the bringing in, custody, preservation, insurance, sale, or other disposal of prize-property, when allowed by the court, shall be charged upon such property, and shall be paid from the proceeds thereof, unless the court shall decree restitution free from such charge.

Payment of expenses from prize-fund.

SEC. 4640. No payment shall be made for any prize-fund, except upon the order of the court. All charges for work and labor, materials furnished, or money paid, shall be supported by affidavit or vouchers. The court may, at any time, order the payment, from the deposit made with the assistant treasurer in the cause, of any costs or charges accrued and allowed. When the cause is finally disposed of, the court shall make its order or orders on the assistant treasurer to pay the costs and charges allowed and unpaid; and in case the final decree shall be for restitution, or in case there shall be no money subject to the order of the court in the cause, any costs or charges allowed by the court, and not paid by the claimants, shall be a charge upon, and be paid out of, the fund for defraying the expenses of suits in which the United States is a party or interested.

Payment of prize-money.

SEC. 4641. The net amount decreed for distribution to the United States, or to vessels of the Navy, shall be ordered by the court to be paid into the Treasury of the United States, to be distributed according to the decree of the court. The Treasury Department shall credit the Navy Department with each amount received to be distributed to vessels of the Navy; and the persons entitled to share therein shall be severally credited in their accounts with the Navy Department with the amounts to which they are respectively entitled. In case of vessels not of the Navy, and not controlled by any Department of the Government, the distribution shall be made by the court to the several parties entitled thereto, and the amounts decreed to them shall be divided between the owners and the ship's company, according to any written agreement between them, and in the absence of such agreement, one-half to the owners and one-half to the ship's company, according to their respective rates of pay on board; and the court may appoint a commissioner to make such distribution, subject to the control of the court, who shall make due return of his doings, with proof of actual payments by him, and who shall receive no other compensation, directly or indirectly, than such as shall be allowed him by the court. In case of vessels not of the Navy, but controlled by either Executive Department, the whole amount decreed to the captors shall be divided among the ship's company.

Distribution of bounty, salvage, &c.

SEC. 4642. All ransom-money, salvage, bounty, or proceeds of condemned property, accruing or awarded to any vessel of the Navy, shall be distributed and paid to the officers and men entitled thereto in the same manner as prize-money, under the direction of the Secretary of the Navy. [See § 3689, APPROPRIATIONS.]

Assignments, &c., of prize-money, and bounty.

SEC. 4643. Every assignment of prize or bounty money due to persons enlisted in the naval service, and all powers of attorney or other authority to draw, receipt for, or transfer the same, shall be void, unless the same be attested by the captain, or other commanding officer, and the paymaster.

Accounts of clerks of district courts.

SEC. 4644. The clerk of each district court shall render, to the Secretary of the Treasury and the Secretary of the Navy, a semi-annual statement of all the sums allowed by the court, and ordered to be paid, within the previous half-year, to the district attorney and prize-commissioners for services, and to marshals for fees and commissions; and he shall, in all prize-causes in the district, for the purpose of the final decree of distribution, ascertain and keep an account of the amount deposited with the assistant treasurer, subject to the order of the court, in each prize-cause, and the amounts ordered to be paid therefrom as costs and charges, and the residue for distribution; and shall send copies of all final decrees of distribution to the Secretary of the Treasury and the Secretary of the Navy; and shall draw the orders of the court for the payment of all costs and allowances, and for the distribution of the residue. For these services he shall be entitled to receive the sum of twenty-five dollars in each prize-cause, which shall be in full for the services required by this section.

Allowances and commissions to marshals.

SEC. 4645. The marshal shall be allowed his actual and necessary expenses for the custody, care, preservation, insurance, sale, or other disposal of the prize-property, and for executing any order of the court respecting the same, and shall have a commission of one-quarter of one

per centum on vessels, and of one-half of one per centum on all other prize-property, calculated on the gross proceeds of each sale; and if, after he has had any prize-property in his custody, and has actually performed labor and incurred responsibility for the care and preservation thereof, the same is taken by the United States for its own use without a sale, or if it is delivered on stipulation to the claimants, he shall, in case the same is condemned, be entitled to one-half the above commissions on the amount deposited by the United States to the order of the courts, or collected upon the stipulation. No charges of the marshal for expenses or disbursements shall be allowed, except upon his oath that the same have been actually and necessarily incurred for the purpose stated.

Compensation of district attorney and prize-commissioners.

SEC. 4646. The district attorney and prize-commissioners, except the naval officer, shall be allowed a just and suitable compensation for their respective services in each prize-cause, to be adjusted and determined by the court, and to be paid as costs in the cause.

Accounts of district attorney and prize-commissioner.

SEC. 4647. Each district attorney and prize-commissioner, except the naval officer, shall render to the Attorney-General an annual account of all sums he shall have received for all services in prize-causes within the previous year; and the district attorney shall be allowed to retain therefrom a sum not exceeding three thousand dollars a year, in addition to the maximum compensation allowed to be retained by him; under the provisions of Title XIII, "THE JUDICIARY," or in addition to any salary he may receive in lieu of such maximum compensation; and each such prize-commissioner shall be allowed to retain a sum not exceeding three thousand dollars a year, which shall be in full for all his official services in prize-causes; and any excess over those respective amounts shall be paid by the officer receiving the same into the Treasury of the United States, and shall be credited to the fund for paying naval pensions.

Compensation of special counsel.

SEC. 4648. The court may allow such compensation as it deems just under the circumstances of each case to any special counsel for captors, not being the district attorney or any of his assistants, whether appointed by an Executive Department or by captors, for services actually rendered in the cause, to be paid as costs, in whole or in part, either from the entire fund or from the portion awarded to the captors; but no such allowance shall be made, except for services rendered on matters as to which the party the counsel represents has an adverse interest to the United States, or an interest otherwise proper in the opinion of the court to be represented by special counsel, or for services rendered in a contestation between parties claiming to participate in the distribution of the proceeds.

Payment of fees of special counsel.

SEC. 4649. Fees of special counsel in prize-cases incurred or authorized by any Department, or for the defense of captors against demands for damages made by claimants in the district court, not paid by claimants, nor from the prize-fund in the particular cause, and audited and allowed by the Department incurring or authorizing them, and by the Solicitor of the Treasury, shall be a charge upon, and paid out of, the funds appropriated for defraying the expenses of suits in which the United States is a party or interested. [See §§ 361, 363–365, DEPARTMENT OF JUSTICE.]

Commissions of auctioneers.

SEC. 4650. The auctioneers employed to make sales of prize-property shall be entitled to receive commissions by a scale to be established by the Secretary of the Navy, not to exceed, in any case, one-half of one per centum on any sum exceeding ten thousand dollars on vessels, nor one per centum on that sum on other prize-property, which shall be in full for expenses, as well as for services; and in case no such scale shall be established, they shall be entitled to receive such compensation as the court shall deem just under the circumstances of each case.

Payment of fees of witnesses.

SEC. 4651. Whenever the court shall allow fees to any witness in a prize-cause, or fees for taking evidence out of the district in which the court sits, and there is no money subject to its order in the cause, the same shall be paid by the marshal, and shall be repaid to him from any money deposited to the order of the court in the cause; and any amount not so repaid the marshal shall be allowed as witness-fees paid by him in cases in which the United States is a party.

Recaptures.

SEC. 4652. When any vessel or other property shall have been captured by any force hostile to the United States, and shall be recaptured, and it shall appear to the court that the same had not been condemned as prize before its recapture, by any competent authority, the court shall award a meet and competent sum as salvage, according to the

circumstances of each case. If the captured property belonged to the United States, it shall be restored to the United States, and there shall be paid from the Treasury of the United States the salvage, costs, and expenses ordered by the court. If the recaptured property belonged to persons residing within or under the protection of the United States, the court shall adjudge the property to be restored to its owners, upon their claim, on the payment of such sum as the court may award as salvage, costs, and expenses. If the recaptured property belonged to any person permanently resident within the territory and under the protection of any foreign prince, government, or state in amity with the United States, and by the law or usage of such prince, government, or state, the property of a citizen of the United States would be restored under like circumstances of recapture, it shall be adjudged to be restored to such owner, upon his claim, upon such terms as by the law or usage of such prince, government, or state would be required of a citizen of the United States under like circumstances of recapture; or when no such law or usage shall be known, it shall be adjudged to be restored upon the payment of such salvage, costs, and expenses as the court shall order. The whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize. Nothing in this Title shall be construed to contravene any treaty of the United States.

Title 69.

Property taken on inland waters.

SEC. 5310. No property seized or taken upon any of the inland waters of the United States by the naval forces thereof shall be regarded as maritime prize; but all property so seized or taken shall be promptly delivered to the proper officers of the courts.

Title 70, Chap. 5.

Delaying or defrauding captor or claimant, &c., of prize-property.

SEC. 5441. Every person who willfully does any act or aids or advises in the doing of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment not more than five years, or both. [See §§ 4613–4652.]

Title 15, Chap. 10, Sec. 1624.

List of persons claiming prize-money.

ART. 15. The commanding officer of every vessel in the Navy entitled to or claiming an award of prize-money shall, as soon as it may be practicable after the capture, transmit to the Navy Department a complete list of the officers and men of his vessel entitled to share, stating therein the quality of each person rating; and every commanding officer who offends against this article shall be punished as a court-martial may direct. [See § 4615.]

Removing property from a prize.

ART. 16. No person in the Navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her equipment, unless it be for the better preservation thereof, or unless such articles are absolutely needed for the use of any of the vessels or armed forces of the United States, before the same are adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, in order that judgment may be passed thereon; and every person who offends against this article shall be punished as a court-martial may direct.

Maltreating persons taken on a prize.

ART. 17. If any person in the Navy strips off the clothes of, or pillages, or in any manner maltreats, any person taken on board a prize, he shall suffer such punishment as a court-martial may adjudge.

An act authorizing corrections to be made in errors of prize-lists.

June 8, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second and third paragraphs* of the tenth section of the navy-prize law, approved June thirtieth, eighteen hundred and sixty-four, which relate to the shares of commanders of divisions and fleet-captains, shall apply to officers serving in those positions from April, eighteen hundred and sixty-one, (the ommencement of the late war,) and the shares shall be paid in the
o, anner as provided for division commanders in said second paragraph,
tha d payments to be made out of the naval pension fund; and all acts onsistent with the provisions of this act be, and the same are hereby, ealed.

pproved, June 8, 1874.

* These paragraphs are the same as the first and second of sec. 4631 R. S.

PROFESSORS OF MATHEMATICS.

Sec.
1399. Professors of mathematics, number of.
1400. Appointment.
1401. Duties.
1480. Rank.
1556. Pay.

Title 15, Chap. I.

Professors of mathematics, number of.

SEC. 1399. The number of professors of mathematics in the Navy shall not exceed twelve.

Appointment.

SEC. 1400. Professors of mathematics shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate.

Duties.

SEC. 1401. Professors of mathematics shall perform such duties as may be assigned them by order of the Secretary of the Navy, at the Naval Academy, the Naval Observatory, and on board ships of war, in instructing the midshipmen of the Navy, or otherwise. [See § 436, NAUTICAL ALMANAC; and § 1528, NAVAL ACADEMY.]

Title 15, Chap. 4.

SEC. 1480. Professors of mathematics shall have relative rank as follows: Three, the relative rank of captain; four, that of commander; and five, that of lieutenant-commander or lieutenant.

Title 15, Chap. 8.

Pay.

SEC. 1556. Professors of mathematics and civil engineers, during the first five years after date of appointment, when on duty, two thousand four hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second five years after such date, when on duty, two thousand seven hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars; during the third five years after such date, when on duty, three thousand dollars; on leave, or waiting orders, two thousand one hundred dollars; after fifteen years from such date, when on duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand six hundred dollars.

PROMOTION AND ADVANCEMENT IN THE NAVY.

Sec.
1493. Physical examination.
1494. Physical disqualification by wounds.
1495. Examinations, when, and effect of.
1496. Examination of professional fitness.
1497. Promotion to rear-admiral in time of peace.
1498. Examining board.
1499. Powers of.
1500. Officer may be present, &c.
1501. Record.
1502. Revision by the President.
1503. No officer to be rejected without examination.
1504. Report of recommendation.
1505. Failing in examination.
1506. Advancement in number.
1507. Promotion when grade is full.
1508. Officers receiving thanks of Congress.
1509. Effect of vote of thanks.
1510. Vacancies occasioned by death, &c., of officers thanked.
1560. Commencement of pay, original entry.
1561. Commencement of pay of promoted officers.
1562. Pay in delayed examinations.
—— Commencement of pay on promotion.

Title 15, Chap. 4.

Physical examination.

SEC. 1493. No officer shall be promoted to a higher grade on the active list of the Navy, except in the case provided in the next section, until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea.

Physical disqualification by wounds.

SEC. 1494. The provisions of the preceding section shall not exclude from the promotion to which he would otherwise be regularly entitled any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

Examinations, when; and effect of.

SEC. 1495. Officers subject to examination before promotion to a grade limited in number by law shall not be entitled to examination in such a sense as to give increase of pay until designated by the Secretary of the Navy to fill vacancies in the higher grade; and officers eligible for promotion to a grade not limited in number shall not be entitled to examination until ordered to present themselves for examination or until a class, in which they are included, has been so ordered by the Secretary of the Navy.

Examination of professional fitness.

SEC. 1496. No line officer below the grade of commodore, and no officer not of the line, shall be promoted to a higher grade on the active list of the Navy until his mental, moral, and professional fitness to perform all his duties at sea have been established to the satisfaction of a board of examining officers appointed by the President.

Promotion to rear-admiral in time of peace.

SEC. 1497. In time of peace no person shall be promoted from the list of commodores to the grade of rear-admiral, on the active list, until his mental, moral, and professional fitness to perform all his duties at sea has been established as provided in the preceding section.

Examining board.

SEC. 1498. Such examining board shall consist of not less than three officers, senior in rank to the officer to be examined.

Powers of.

SEC. 1499. Said board shall have power to take testimony and to examine all matter on the files and records of the Navy Department relating to any officer whose case may be considered by them. The witnesses, when present, shall be sworn by the president of the board.

Officer may be present and make statement.

SEC. 1500. Any officer whose case is to be acted upon by such examining board shall have the right to be present, if he so desires, and to submit a statement of his case on oath.

Record.

SEC. 1501. The statement of such officer, if made, and the testimony of the witnesses and his examination shall be recorded.

Revision by the President.

SEC. 1502. Any matter on the files and records of the Navy Department, touching each case, which may, in the opinion of the board, be necessary to assist them in making up their judgment, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding.

No officer to be rejected without examination.

SEC. 1503. No officer shall be rejected until after such public examination of himself and of the records of the Navy Department in his case, unless he fails, after having been duly notified, to appear before said board.

Report of recommendation.

SEC. 1504. Such examining board shall report their recommendation of any officer for promotion in the following form: "We hereby certify that ——— ——— has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion."

Failing in examination.

SEC. 1505. Any officer of the Navy on the active list below the grade of commander, who, upon examination for promotion, is not found professionally qualified, shall be suspended from promotion for one year, with corresponding loss of date when he shall be re-examined, and in case of his failure upon such re-examination he shall be dropped from the service.

Advancement in number.

SEC. 1506. Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

Promotion when grade is full.

SEC. 1507. Any officer who is nominated to a higher grade by the provisions of the preceding section, shall be promoted, notwithstanding the number of said grade may be full; but no further promotions shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

Officers receiving thanks of Congress.

SEC. 1508. Any line officer, whether of volunteers or of the regular Navy, may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession.

Effect of vote of thanks.

SEC. 1509. A vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and whenever, as an incident thereof, an officer who would otherwise be retired is retained on the active list, such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion.

Vacancies occasioned by death, &c., of officers thanked.

SEC. 1510. No promotion shall be made to fill a vacancy occasioned by the final retirement, death, resignation, or dismissal of an officer who has received a vote of thanks, unless the number of officers left in the grade where the vacancy occurs shall be less than the number authorized by law.

Title 15, Chap. 8.

Commencement of pay, original entry.

SEC. 1560. The pay of an officer of the Navy, upon his original entry into the service, except where he is required to give an official bond, shall commence upon the date of his acceptance of his appointment; but where he is required to give such bond his pay shall commence upon the date of the approval of his bond by the proper authority.

Commencement of pay of promoted officers.

SEC. 1561. When an officer is promoted in course to fill a vacancy and is in the performance of the duties of the higher grade from the date he is to take rank, he may be allowed the increased pay from such date. [See June 22, 1874, *post.*]

In cases of delayed examinations.

SEC. 1562. If an officer of a class subject to examination before promotion shall be absent on duty, and by reason of such absence, or of other cause not involving fault on his part, shall not be examined at the time required by law or regulation, and shall afterward be examined and found qualified, the increased rate of pay to which his promotion

would entitle him shall commence from the date when he would have been entitled to it had he been examined and found qualified at the time so required by law or regulation; and this rule shall apply to any cases of this description which have heretofore occurred. And in every such case the period of service of the party, in the grade to which he was promoted, shall, in reference to the rate of his pay, be considered to have commenced from the date when he was so entitled to take rank.*

An act for the better government of the Navy of the United States.

June 22, 1874.

Commencement of pay on promotion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this act, any officer of the Navy who may be promoted in course to fill a vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill. * * *

Approved, June 22, 1874.

[For promotion and advancement in Marine Corps, see page 163.]

PUBLIC DOCUMENTS—PUBLIC PRINTING.

Sec.
497. Custody and distribution of public documents.
500. Manner of delivery.
505. Distribution of surplus volumes, &c.
506. Books, &c., not to be removed from proper places.
508. Duties of the superintendent of public documents.
3779. Engraving for Congress.
3780. Engraving, when to be advertised.
3783. Accountability for and issue of material.
3785. Only Government printing and binding allowed.
3786. Printing required to be done at Government Printing Office.
3788. Heads of Bureaus not to print reports, except, &c.
3789. Orders and requisitions for printing.
3790. Style and form of work for Departments.
3791. Bills and joint resolutions, number of.
3792. Documents, usual number.
3793. Extra copies, motion to print.
3794. Notice of order to print.
3795. Extra copies costing more than five hundred dollars.
3796. Extra copies for the Library.
3798. Number of copies of certain documents to be printed and bound.
3802. Accounts with Departments for printing.
3803. Copies of statutes and treaties.
3805. Printing of statutes and treaties.
3808. Number to be printed for distribution.
3809. Extra copies of any document, how sold.
3810. Printed documents, when to be delivered.
3813. Documents to be delivered at Interior Department.
3815. Quarterly account.
3821. Report to Congress.
—— Election and title of public printer.
—— Number of annual reports to be printed.

Title II, Chap. 7.

Custody and distribution of public documents.

SEC. 497. The Secretary of the Interior is charged with receiving, arranging, and safe-keeping for distribution, and of distributing to the persons entitled by law to receive the same, all printed journals of the two Houses of Congress, and all other books and documents of every nature whatever, already or hereafter directed by law to be printed or purchased for the use of the Government, except such as are directed to be printed or purchased for the particular use of Congress, or of either House thereof, or for the particular use of the Executive or of any of the Departments, and any person whose duty it shall be by law to deliver any of the same, shall deliver them at the rooms assigned by the Secretary of the Interior therefor.

Manner of delivery.

SEC. 500. The publications received by the Secretary of the Interior for distribution shall be delivered out only on the written requisition of the heads of Departments, Secretary of the Senate, Clerk of the House of Representatives, Librarian of Congress, and other officers and persons who are by law authorized to receive the same, except where by law the Secretary of the Interior is required, without such requisition, to cause the same to be sent and delivered; and in either of such cases it shall be the duty of the Secretary of the Interior to cause the same to be sent and delivered, the expenses thereof, except when otherwise directed, to be charged on the contingent fund of the Department.

Distribution of surplus volumes, &c.

SEC. 505. Whenever there are in the custody of the Department of the Interior any sets of the documents of any session of Congress, or other documents or odd volumes, not necessary to supply deficiencies or losses that may happen in the Library of Congress, or in that of either of the Executive Departments, or in State or territorial libraries, the Secretary of the Interior shall distribute the same as equally as practicable to the several Senators, Representatives, and Delegates in Congress, for distribution to public libraries and other literary institutions in their respective districts.

*Act of July 15, 1870.

Books, &c., not to be removed from proper places.

SEC. 506. All such books and documents, when received at the proper offices, libraries, and other depositories, as provided by law, shall be kept there and not removed from such places.

Duties of the superintendent of public documents.

SEC. 508. The superintendent of public documents shall be charged, subject to the general direction of the Secretary of the Interior, with the duty of collecting, arranging, preserving, packing, and distributing the publications received at the Department of the Interior for distribution; and with the duty of compiling and supervising the Biennial Register.

Title 45.

Engraving for Congress.

SEC. 3779. Whenever any charts, maps, diagrams, views, or other engravings are required, to illustrate any document ordered to be printed by either House of Congress, such engravings shall be procured by the Congressional Printer, under the direction and supervision of the committee on printing of the House ordering the same. [See June 23, 1874, *post.*]

Engraving, when to be advertised.

SEC. 3780. When the probable total cost of the maps or plates accompanying one work or document exceeds two hundred and fifty dollars, the lithographing or engraving thereof shall be awarded to the lowest and best bidder, after advertisement by the Congressional Printer, under the direction of the Joint Committee on Public Printing. But the committee may authorize him to make immediate contracts for lithographing or engraving whenever, in their opinion, the exigencies of the public service do not justify advertisement for proposals.

Accountability for and issue of material.

SEC. 3783. The Congressional Printer shall charge himself with, and be accountable for, all material received for the public use. The foremen of printing and binding shall make out estimates of the amount and kind of material required for their respective departments, and file written requisitions therefor when it is needed. The Congressional Printer shall furnish the same to them on these requisitions, as it may be required for the public service, and they shall receipt to him and be held accountable for all material so received.

Only public printing and binding allowed.

SEC. 3785. No printing or binding which is not provided for by law shall be executed at the Government Printing Office.

Printing required to be done at Government Printing Office.

SEC. 3786. All printing, binding, and blank books for the Senate or House of Representatives, and the Executive and Judicial Departments, shall be done at the Government Printing Office, except in cases otherwise provided by law.

Heads of Bureaus not to print reports, except, &c.

SEC. 3788. No officer in charge of any Bureau or office in any Department shall cause to be printed, at the public expense, any report he may make to the President or to the head of the Department, except as provided for in this Title.

Orders and requisitions for printing.

SEC. 3789. No printing or binding shall be done, or blank-books furnished, for either House of Congress, except on the written order of the Secretary of the Senate, or of the Clerk of the House of Representatives, respectively; or for any of the Executive Departments, except on a written requisition by the head of such Department, or one of his assistants.

Style and form of work for Departments.

SEC. 3790. The forms and style in which the printing or binding ordered by any of the Departments shall be executed, the materials and size of type to be used, shall be determined by the Congressional Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed.

Bills and joint resolutions.

SEC. 3791. There shall be printed seven hundred and fifty copies of every bill or joint resolution ordered by either House of Congress, or required by any rule thereof to be printed, unless a different number shall be specifically ordered.

Documents, usual number.

SEC. 3792. Fifteen hundred and fifty copies of any document ordered by Congress shall be printed, and that number shall be known as the usual number. No greater number shall be printed unless ordered by either House, or as hereinafter provided.

Extra copies, motion to print.

SEC. 3793. All motions to print extra copies of any bill, report, or other public document, shall be referred to the Committee on Printing of the House in which such motion is made.

Notice of order to print.

SEC. 3794. The House first ordering a document to be printed shall immediately notify the other House of such order.

Extra copies costing more than five hundred dollars.

SEC. 3795. All propositions in either House of Congress for printing extra copies of documents, the cost of which exceeds five hundred dollars, shall be by concurrent resolution, which shall, upon its transmission from either House, be immediately referred to the Committee on Printing of the House to which it is sent.

Extra copies for the Library.

SEC. 3796. The Congressional Printer shall, when so directed by the Joint Committee on the Library, print, in addition to the usual number,

either fifty or one hundred copies, as he may be directed, of all documents printed by order of either House of Congress, or of any Department or Bureau of the Government.

Number of copies of certain documents to be printed and bound.

SEC. 3798. Of the documents named in this section there shall be printed and bound, in addition to the usual number for Congress, the following numbers of copies, namely:

First. Of the documents accompanying the annual reports of the Executive Departments, one thousand copies for the use of the members of the Senate, and two thousand copies for the use of the members of the House of Representatives. [See § 75.]*

Second. Of the President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, ten thousand copies for the use of the members of the Senate, and twenty-five thousand copies for the use of the members of the House of Representatives.†

Accounts with Departments for printing.

SEC. 3802. Whenever Congress makes an appropriation for any Department or public office, to be expended "for printing and binding to be executed under the direction of the Congressional Printer," the Congressional Printer shall cause an account to be opened with such Department or public office, on which he shall charge for all printing and binding ordered by the head thereof, at prices established in pursuance of law; and it shall not be lawful for him to cause to be executed any printing or binding the value of which exceeds the amount appropriated for such purpose. [See § 3661, APPROPRIATIONS.]

Copies of statutes for printing.

SEC. 3803. The Secretary of State shall furnish the Congressional Printer with a correct copy of every act and joint resolution as soon as possible after its approval by the President of the United States, or after it shall have become a law in accordance with the Constitution without such approval; and also of every treaty between the United States and any foreign government after it shall have been duly ratified and proclaimed by the President, and of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States, and equivalent officers of foreign governments on the part of their respective countries.

Printing of laws and resolutions.

SEC. 3805. The Congressional Printer on receiving from the Secretary of State a copy of any act or joint resolution, or treaty, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Secretary of State, for revision. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause to be printed, and sent to the Secretary of State, any number of copies which he may order, not exceeding five hundred, and to be printed separately, and sent to the two Houses of Congress, the usual number.

Number printed for distribution.

SEC. 3808. The Secretary of the Interior shall cause to be published, at the close of every session of Congress, and as soon as practicable, eleven thousand copies of the acts and resolutions passed by Congress, the amendments to the Constitution adopted, and all public treaties and postal conventions made and ratified since the then last publication of the laws. [Now published by the Secretary of State. See page 250.]

Extra copies of any document how sold.

SEC. 3809. If any person desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, in advance, the estimated cost thereof, and ten per centum thereon, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same.

Printed documents, when to be delivered.

SEC. 3810. The annual reports of the Executive Departments and the accompanying documents shall be delivered by the printer to the proper officers of each House of Congress at the first meeting thereof; and the President's message, the reports of the Executive Departments, and the abridgment of accompanying documents, shall be so delivered on or before the third Wednesday in December next after the meeting of Congress, or as soon thereafter as may be practicable. [Sec. 196, p. 71.]

Documents to be delivered at Interior Department.

SEC. 3813. The Congressional Printer shall deliver to the Secretary of the Interior, at the room in the Interior Department set apart for that

* Paragraph 75 directs the Joint Committee on Public Printing to appoint a competent person to edit such portion of the documents accompanying the annual reports of the Departments as they may deem suitable for popular distribution and prepare an alphabetical index thereto.

† See act of June 23, 1874, *post*, as to the number of annual reports to be printed.

purpose, all books and documents directed by law to be printed for the use of the Government, except such as are directed to be printed for the particular use of Congress, or of either House thereof, or of the President, or of any of the Departments.

Quarterly account.

SEC. 3815. The Congressional Printer shall render to the Secretary of the Treasury, quarterly, a full account of all purchases made by him, and of all printing and binding done in the Government Printing-Office for each House of Congress and for each of the executive and judicial departments.

Report to Congress.

SEC. 3321. The Congressional Printer shall, on the first day of each session, or as soon thereafter as may be practicable, report to Congress the exact condition, and the amount and cost of the public printing, binding, lithographing, and engraving; the amount and cost of all paper purchased for the same; a detailed statement of proposals made and contracts entered into for the purchase of paper and other materials, and for lithographing and engraving; of all payments made, during the preceding year, under his direction; of the amount of work ordered and done, with a general classification thereof, for each Department, and a detailed statement of each account with the Departments or public officers; a detailed statement of the number of hands employed in the establishment, and the time each has been employed; and such further information, touching all matters connected with the printing-office, as may be in his possession.

[From legislative appropriation act.]

Election and title of public printer.

Provided, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February twenty-second, eighteen hundred and sixty-seven, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall hereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President, by and with the advice and consent of the Senate.

Approved June 20, 1874.

[From sundry civil appropriation act.]

Number of annual reports to be printed.

Provided, That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited number of the annual reports of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress: *Provided, however*, That no expensive maps or illustrations shall be printed without the special order of Congress.

Maps and illustrations.

Approved June 23, 1874.

PUBLIC PROPERTY.

See also LOST VESSELS.

Sec
3748. Uniforms and equipments.
3749. Solicitor of Treasury may rent or sell unproductive lands or property.
3750. To have charge of property transferred to the United States.
Sec.
3751. To release land in certain cases.
3752. Power to obtain releases.
3753. Releasing property from attachment.
3754. Payment.

Title 44.

Uniforms and equipments.

SEC. 3748. The clothes, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accouterments, so furnished, and which have been the subjects of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster, or other officer authorized to receive the same. The possession of any such clothes, arms, military outfits, or accouterments by any person not a soldier or officer of the United States shall be presumptive evidence of such a sale, barter, exchange, pledge, loan, or gift.

Solicitor of Treasury may rent or sell unproductive lands or property.

SEC. 3749. The Solicitor of the Treasury is authorized, with the approval of the Secretary of the Treasury, to rent, for a period not exceeding three years, or to sell, at public sale, any unproductive lands, or other property of the United States acquired under judicial process or otherwise in the collection of debts, after advertising the time, place, and conditions of such sale for three months preceding the same in some newspaper published in the vicinity thereof, in such manner and upon such terms as may, in his judgment, be most advantageous to the public interest. [See § 3740, CONTRACTS.]

To have charge of property transferred to the United States.

SEC. 3750. The Solicitor of the Treasury shall have charge of all lands and other property which have been or may be assigned, set off, or conveyed to the United States in payment of debts, and of all trusts created for the use of the United States in payment of debts due them; and of the sale and disposal of lands assigned or set off to the United States in payment of debts, or vested in them by mortgage or other security for the payment of debts: *Provided*, That this section shall not apply to real estate which has been or shall be assigned, set off, or conveyed to the United States, in payment of debts arising under the internal-revenue laws, nor to trusts created for the use of the United States, in payment of such debts due them.

To release lands in certain cases.

SEC. 3751. In cases where real estate has become the property of the United States by conveyance, extent, or otherwise, in payment of a debt, and such debt is afterward fully paid in money, and the same has been received by the United States, the Solicitor of the Treasury may release by deed or otherwise convey the same real estate to the debtor from whom it is taken, if he is living, or, if such debtor is dead, to his heirs or devisees, or such person as they may appoint: *Provided*, That this section shall not apply to real estate so acquired by the United States in payment of any debt arising under the internal-revenue laws.

Power to obtain releases.

SEC. 3752. Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States.

Releasing property from attachment.

SEC. 3753. Whenever any property owned or held by the United States, or in which the United States have or claim an interest, shall in any judicial proceeding under the laws of any State, district, or Territory, be seized, arrested, attached, or held for the security or satisfaction of any claim made against such property, the Secretary of the Treasury, in his discretion, may direct the Solicitor of the Treasury to cause a stipulation to be entered into by the proper district attorney for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that upon such discharge, the person asserting the claim against such property shall become entitled to all the benefits of this and the following section. Nothing herein contained shall, however, be considered as recognizing or conceding any right to enforce by seizure, arrest, attachment, or any judicial process, any claim against any property of the United States, or against any property held, owned, or employed by the United States, or by any Department thereof, for any public use, or as waiving any objection to any proceeding instituted to enforce any such claim.

Payment.

SEC. 3754. In all cases where a stipulation is entered into under the preceding section, and, in consequence thereof, the property is discharged, and final judgment is afterward given in the court of last resort to which the Secretary of the Treasury may deem proper to cause such proceedings to be carried, affirming the claim for the security or satisfaction of which such proceedings have been instituted, and the right of the person asserting the same to enforce it against such property by means of such proceedings, notwithstanding the claims of the United States thereto, such final judgment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person, as against the United States, to such rights as he would have had in case possession of such property had not been changed. Whenever such claim is for the payment of money, and the same is by such judgment found to be due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers for the allowance thereof; and the same shall thereupon be allowed and paid out of any moneys in the Treasury not otherwise appropriated. The amount so to be allowed and paid shall not, however, exceed the value of the interest of the United States in the property in question.

QUARANTINE.

Sec.
4792. State health-laws to be observed by United States officers, &c.
4793. Discharge of cargo of vessel in quarantine.
4794. Erection of quarantine warehouses.
4795. Deposit of goods in warehouse.
4796. Extending time for entry of vessels subject to quarantine.
4797. Removal of revenue officers from port when contagious disease, &c.
4798. Removal of public officers from the capital
4799. Adjournment of courts.
4800. Removal of prisoners.

State health-laws to be observed by United States officers, &c.

SEC. 4792. The quarantines and other restraints established by the health-laws of any State, respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue-cutters, and by the military officers commanding in any fort or station upon the sea-coast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health-laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. But nothing in this Title shall enable any State to collect a duty of tonnage or impost without the consent of Congress.

Discharge of cargo of vessel in quarantine.

SEC. 4793. Whenever, by the health-laws of any State, or by the regulations made pursuant thereto, any vessel arriving within a collection-district of such State is prohibited from coming to the port of entry or delivery by law established for such district, and such health-laws require or permit the cargo of the vessel to be unladen at some other place within or near to such district, the collector, after due report to him of the whole of such cargo, may grant his warrant or permit for the unlading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health-laws permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, deem expedient for the security of the public revenue.

Erection of quarantine warehouses.

SEC. 4794. There shall be purchased or erected, under the orders of the President, suitable warehouses, with wharves and inclosures, where merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health-laws of any State, at such convenient places therein as the safety of the public revenue and the observance of such health-laws may require.

Deposit of goods in warehouses.

SEC. 4795. Whenever the cargo of a vessel is unladen at some other place than the port of entry or delivery under the foregoing provisions, all the articles of such cargo shall be deposited, at the risk of the parties concerned therein, in such public or other warehouses or inclosures as the collector shall designate, there to remain under the joint custody of such collector and of the owner, or master, or other person having charge of such vessel, until the same are entirely unladen or discharged, and until the articles so deposited may be safely removed without contravening such health-laws. And when such removal is allowed, the collector having charge of such articles may grant permits to the respective owners or consignees, their factors or agents, to receive all merchandise which has been entered, and the duties accruing upon which have been paid, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures.

Extending time for entry of vessels subject to quarantine.

SEC. 4796. The Secretary of the Treasury is authorized, whenever a conformity to such quarantines and health-laws requires it, and in respect to vessels subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries. No part of the cargo of any vessel shall, however, in any case, be taken out or unladen therefrom, otherwise than is allowed by law, or according to the regulations hereinafter established.

Removal of revenue officers from port when contagious disease, &c.

SEC. 4797. Whenever, by the prevalence of any contagious or epidemic disease in or near the place by law established as the port of entry for any collection-district, it becomes dangerous or inconvenient for the officers of the revenue employed therein to continue the discharge of their respective offices at such port, the Secretary of the Treasury, or, in his absence, the First Comptroller, may direct the removal of the officers of the revenue from such port to any other more convenient place, within, or as near as may be to, such collection-district. And at

such place such officers may exercise the same powers, and shall be liable to the same duties, according to existing circumstances, as in the port or district established by law. Public notice of any such removal shall be given as soon as may be. [See § 1776.]*

Removal of public offices from the capital.

SEC. 4798. In case of the prevalence of a contagious or epidemic disease at the seat of Government, the President may permit and direct the removal of any or all the public offices to such other place or places as he shall deem most safe and convenient for conducting the public business. [See § 1776.]*

Adjournment of courts.

SEC. 4799. Whenever, in the opinion of the Chief Justice, or, in case of his death or inability, of the senior associate justice of the Supreme Court, a contagious or epidemic sickness shall render it hazardous to hold the next stated session of the court at the seat of Government, the chief or such associate justice may issue his order to the marshal of the Supreme Court, directing him to adjourn the next session of the court to such other place as such justice deems convenient. The marshal shall thereupon adjourn the court, by making publication thereof in one or more public papers printed at the seat of Government from the time he shall receive such order until the time by law prescribed for commencing the session. The several circuit and district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the several circuit and district courts to some convenient place within their districts respectively. [See § 1776.]*

Removal of prisoners.

SEC. 4800. The judge of any district court, within whose district any contagious or epidemic disease shall at any time prevail, so as, in his opinion, to endanger the lives of persons confined in the prison of such district, in pursuance of any law of the United States, may direct the marshal to cause the persons so confined to be removed to the next adjacent prison where such disease does not prevail, there to be confined until they may safely be removed back to the place of their first confinement. Such removals shall be at the expense of the United States.

RANK AND PRECEDENCE.

Sec.
1466. Relative rank of Navy and Army officers.
1467. Rank according to date.
1468. Commanding officers of vessels and stations.
1469. Aid or executive officer.
1470. Staff officers, when to communicate directly with commanding officers.
1471. Chiefs of Bureaus.
1472. Chief of Bureau, below rank of commodore.
1485. Precedence by length of service.
1486. Length of service, how estimated.
1487. Quarters.
1488. Military command.
1489. Processions, boards, &c.
1490. Ensigns.
1491. Warrant officers.
1492. Officers of revenue marine.

Title 15, Chap. 4.

SEC. 1466. The relative rank between officers of the Navy, whether on the active or retired list, and officers of the Army, shall be as follows, lineal rank only being considered:

Relative rank of Navy and Army officers.

The Vice-Admiral shall rank with the Lieutenant-General.
Rear-admirals with major-generals.
Commodores with brigadier-generals.
Captains with colonels.
Commanders with lieutenant-colonels.
Lieutenant-commanders with majors.
Lieutenants with captains.
Masters with first lieutenants.
Ensigns with second lieutenants.

Rank according to date.

SEC. 1467. Line officers shall take rank in each grade according to the dates of their commissions.

Commanding officers of vessels and stations.

SEC. 1468. Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command.

Aid or executive officer.

SEC. 1469. The Secretary of the Navy may, in his discretion, detail a line officer to act as the aid or executive of the commanding officer of a vessel of war or naval station, which officer shall, when not impracticable, be next in rank to said commanding officer. Such aid or executive shall, while executing the orders of the commanding officer on board the vessel or at the station, take precedence over all officers attached to the vessel or station. All orders of such aid or executive shall be regarded as proceeding from the commanding officer, and the aid or executive shall have no independent authority in consequence of such detail.

Title 19.

*SEC. 1776. Whenever any public office is removed by reason of sickness which may prevail in the town or city where it is located, a particular account of the cost of such removal shall be laid before Congress.

Rights of staff-officers.

SEC. 1470. Staff officers, senior to the officers so detailed, shall have the right to communicate directly with the commanding officer.

Chiefs of Bureaus.

SEC. 1471. The chiefs of the Bureau of Medicine and Surgery, Provisions and Clothing, Steam Engineering, and Construction and Repair shall have the relative rank of commodore while holding said position, and shall have, respectively, the title of Surgeon-General, Paymaster-General, Engineer-in-Chief, and Chief Constructor.

Chief of Bureau, when below rank of commander.

SEC. 1472. When the office of chief of Bureau is filled by a line officer below the rank of commodore, said officer shall have the relative rank of commodore during the time he holds said office.

Precedence by length of service.

SEC. 1485. The officers of the staff corps of the Navy shall take precedence in their several corps, and in their several grades, and with officers of the line with whom they hold relative rank according to length of service in the Navy.

Length of service, how estimated.

SEC. 1486. In estimating the length of service for such purpose, the several officers of the staff corps shall, respectively, take precedence in their several grades and with those officers of the line of the Navy with whom they hold relative rank who have been in the naval service six years longer than such officers of said staff corps have been in said service; and officers who have been advanced or lost numbers on the Navy Register shall be considered as having gained or lost length of service accordingly.

Quarters.

SEC. 1487. No staff officer shall, in virtue of his relative rank or precedence, have any additional right to quarters.

Military command.

SEC. 1488. The relative rank given by the provisions of this chapter to officers of the Medical, Pay, and Engineer Corps shall confer no authority to exercise military command.

Processions, boards, &c.

SEC. 1489. In processions on shore, or courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, line and staff officers shall take precedence according to rank.

Ensigns as steerage officers.

SEC. 1490. Ensigns shall be steerage officers, unless assigned to duty as watch and division officers.

Warrant officers.

SEC. 1491. The President may, if he shall deem it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sail-makers, as follows: After five years' service, to rank with ensigns, and after ten years' service, to rank with masters.

Revenue-cutter officers serving as part of the Navy.

SEC. 1492. The officers of the revenue-cutter service when serving, in accordance with law, as a part of the Navy, shall be entitled to relative rank, as follows: Captains, with and next after lieutenants commanding in the Navy; first lieutenants, with and next after lieutenants in the Navy; second lieutenants, with and next after masters in line in the Navy; third lieutenants, with and next after ensigns in the Navy.

[See also under each grade and corps.]

RATIONS.

Sec.
1577. Rations of midshipmen.
1578. Rations of other officers.
1579. When rations not allowed.
1580. Navy ration; constituents of.
1581. Substitutions in.
1582. Short allowance.
1583. Rations stopped for the sick.
1584. Additional ration.
1585. Commutation price of ration.
1595. None to retired officers.

Rations of midshipmen.

SEC. 1577. Midshipmen and acting midshipmen in the Navy shall be entitled to one ration, or to commutation therefor.

Rations of other officers.

SEC. 1578. All officers shall be entitled to one ration, or to commutation therefor, while at sea or attached to a sea-going vessel.

When rations not allowed.

SEC. 1579. No person not actually attached to and doing duty on board a sea-going vessel, except the petty officers, seamen, and ordinary seamen attached to receiving-ships or to the ordinary of a navy-yard, and midshipmen, shall be allowed a ration.

Navy ration, constituents of.

SEC. 1580. The Navy ration shall consist of the following daily allowance of provisions to each person: One pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour and two ounces of dried apples, or other dried fruit; or three-quarters of a pound of preserved meat, with a half pound of rice, two ounces of butter, and one ounce of desiccated "mixed vegetables;" or three-quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potatoes; together with fourteen ounces of biscuit, one-quarter of an ounce of tea, or one ounce of coffee or cocoa, and two ounces of sugar; and a weekly allowance of half a pint of pickles, half a pint of molasses, and half a pint of vinegar.

Substitutions in.

SEC. 1581. The following substitution for the components of the ration may be made when it is deemed necessary by the senior officer present in command: For one pound of salt beef or pork, one pound and a quarter of fresh meat or three-quarters of a pound of preserved meat; for any or all of the articles usually issued with the salted meats, vegetables equal to the same in value; for fourteen ounces of biscuit, one pound of soft bread, or one pound of flour, or half a pound of rice; for half a pint of beans or peas, half a pound of rice, and for half a pound of rice, half a pint of beans or peas. And the Secretary of the Navy may substitute for the ration of coffee and sugar the extract of coffee combined with milk and sugar, if he shall believe such substitution to be conducive to the health and comfort of the Navy, and not to be more expensive to the Government than the present ration: *Provided*, That the same shall be acceptable to the men.

Short allowance.

SEC. 1582. In case of necessity the daily allowance of provisions may be diminished at the discretion of the senior officer present in command; but payment shall be made to the persons whose allowance is thus diminished, according to the scale of prices for the same established at the time of such diminution. And every commander who makes any diminution or variation shall give to the paymaster written orders therefor, specifying particularly the diminution or variation which is to be made, and shall report to his commanding officer, or to the Navy Department, the necessity for the same.

Rations stopped for the sick.

SEC. 1583. Rations stopped for the sick on board vessels shall remain and be accounted for by the paymaster as a part of the provisions of the vessels. [See § 4812, NAVY HOSPITALS.]

Additional ration.

SEC. 1584. An additional ration of tea or coffee and sugar shall be hereafter allowed to each seaman, to be provided at his first "turning out."

Commutation price of ration.

SEC. 1585. Thirty cents shall in all cases be deemed the commutation price of the Navy ration.

Retired officers.

SEC. 1595. Rations shall not be allowed to officers on the retired list.

RETIRED LIST MARINE CORPS.

See MARINE CORPS.

RETIRED OFFICERS OF THE NAVY.

Sec.
1443. After forty years' service.
1444. After sixty-two years of age, or forty-five years of service.
1445. Officers of certain ranks to be retired only for disability.
1446. Officers who have received a vote of thanks.
1447. Officers rejected from promotion.
1448. Retiring-board.
1449. Powers and duties of.
1450. Oath of members.
1451. Findings.
1452. Revision by the President.
1453. Disability by an incident of the service.
1454. Disability by other causes.
1455. Not to be retired without a hearing.
1456. Not to be retired for misconduct.
1457. Privileges and liabilities.
1458. Vacancies by retirement.
1459. Withdrawn from command.
1460. Rear-admirals on retired list.
1461. Retired officers; promotion.
1462. Active duty.
1463. Assigned to command of squadrons and ships.
1464. Commanders of squadrons, from what grades selected.
1465. When restored to active list.
1481. When retired for age or length of service.
1482. Retired for causes incident to service.
1588. Pay.
1589. Pay of certain rear-admirals.
1590. Pay of third assistant engineers.
1591. Pay not increased by promotion.
1592. Pay on active duty.
1593. Pay of officers retired on furlough.
1594. Transfer from furlough to retired pay.

Title 15, Chap. 3.

After forty years' service.

SEC. 1443. When any officer of the Navy has been forty years in the service of the United States he may be retired from active service by the President upon his own application.

After sixty-two years of age, or forty-five years' service.

SEC. 1444. When any officer below the rank of Vice-Admiral is sixty-two years old, he shall, except in the case provided in the next section, be retired by the President from active service.

Officers of certain ranks to be retired only for disability.

SEC. 1445. The two preceding sections shall not apply to any lieutenant-commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

Officers who have received a vote of thanks.

SEC. 1446. Officers on the active list, not below the grade of commander, who have, upon the recommendation of the President, received by name, during the war for the suppression of the rebellion, a vote of thanks of Congress for distinguished service, shall not be retired, except for cause, until they have been fifty-five years in the service of the United States.

Officers rejected from promotion.

SEC. 1447. When the case of any officer has been acted upon by a board of naval surgeons and an examining board for promotion, as provided in Chapter Four of this Title, and he shall not have been recommended for promotion by both of the said boards, he shall be placed upon the retired list.

Retiring-board.

SEC. 1448. Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or whenever, in the judgment of the President, an officer is incapacitated to perform the duties of his office, the President, at his discretion, may direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be members of the Medical Corps of the Navy. Said board, except the officers taken from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

Powers and duties of.

SEC. 1449. Said retiring-board shall be authorized to inquire into and determine the facts touching the nature and occasion of the disability of any such officer, and shall have such powers of a court-martial and of a court of inquiry as may be necessary.

Oath of members.

SEC. 1450. The members of said board shall be sworn in each case to discharge their duties honestly and impartially.

Findings.

SEC. 1451. When said retiring-board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, produced his incapacity, and whether such cause is an incident of the service.

Revision by the President.

SEC. 1452. A record of the proceedings and decision of the board in each case shall be transmitted to the Secretary of the Navy, and shall be laid by him before the President for his approval or disapproval, or orders in the case.

Disability by an incident of the service.

SEC. 1453. When a retiring-board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of the service, such officer shall, if said decision is approved by the President, be retired from active service with retired pay, as allowed by Chapter Eight of this Title.

Disability by other causes.

SEC. 1454. When said board finds that an officer is incapacitated for active service and that his incapacity is not the result of any incident of the service, such officer shall, if said decision is approved by the President, be retired from active service on furlough-pay, or wholly retired from service with one year's pay, as the President may determine.

Not to be retired without a hearing.

SEC. 1455. No officer of the Navy shall be retired from active service, or wholly retired from the service, without a full and fair hearing before such Navy retiring-board, if he shall demand it, except in cases where he may be retired by the President at his own request, or on account of age or length of service, or on account of his failure to be recommended by an examining board for promotion.

Not to be retired for misconduct.

SEC. 1456. No officer of the Navy shall be placed on the retired list because of misconduct; but he shall be brought to trial by court-martial for such misconduct.

Privileges and liabilities.

SEC. 1457. Officers retired from active service shall be placed on the retired list of officers of the grades to which they belonged respectively at the time of their retirement, and continue to be borne on the Navy Register. They shall be entitled to wear the uniform of their respective grades, and shall be subject to the rules and articles for the government of the Navy and to trial by general court-martial. The names of officers wholly retired from the service shall be omitted from the Navy Register.

Vacancies by retirement.

SEC. 1458. The next officer in rank shall be promoted to the place of a retired officer, according to the established rules of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer.

Withdrawn from command.

SEC. 1459. Officers on the retired list shall be withdrawn from command, except in the case provided in sections fourteen hundred and sixty-three and fourteen hundred and sixty-four, and from the line of promotion on the active list.

Rear-admirals on retired list.

SEC. 1460. There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list: *Provided*, That this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have commanded squadrons by order

of the Secretary of the Navy, or who have performed other highly meritorious service.

Retired officers; promotion.

SEC. 1461. Officers on the retired list of the Navy shall be entitled to promotion as their several dates upon the active list are promoted: *Provided*, That no promotion shall be made to the grade of rear-admiral upon the retired list while there shall be in that grade nine rear-admirals by promotion on that list, exclusive of those so promoted by reason of having commanded squadrons by order of the Secretary of the Navy, or of having performed other highly meritorious service. No promotion to the grade of rear-admiral on the retired list while there shall be in that grade the full number allowed by law.

Active duty.

SEC. 1462. No officer on the retired list of the Navy shall be employed on active duty except in time of war.

Assigned to command of squadrons and ships.

SEC. 1463. In time of war the President, by and with the advice and consent of the Senate, may detail officers on the retired list for the command of squadrons and single ships, when he believes that the good of the service requires that they shall be so placed in command.

Commanders of squadrons, from what grades selected.

SEC. 1464. In making said details the President may select any officer not below the grade of commander and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron holding commissions of an older date than his that he would be entitled to receive if his commission were the oldest.

When restored to active list.

SEC. 1465. Retired officers so detailed for the command of squadrons and single ships may be restored to the active list, if, upon the recommendation of the President, they shall receive a vote of thanks of Congress for their services and gallantry in action against the enemy, and not otherwise.

Title 15, Chap. 4.

When retired for age or length of service.

SEC. 1481. Officers of the Medical, Pay, and Engineer Corps, chaplains, professors of mathematics, and constructors, who shall have served faithfully for forty-five years, shall, when retired, have the relative rank of commodore; and officers of these several corps who have been or shall be retired at the age of sixty-two years, before having served for forty-five years, but who shall have served faithfully until retired, shall, on the completion of forty years from their entry into the service, have the relative rank of commodore.

Retired for causes incident to service.

SEC. 1482. Staff-officers, who have been or shall be retired for causes incident to the service before arriving at sixty-two years of age, shall have the same rank on the retired list as pertained to their position on the active list.

Title 15, Chap. 8.

Pay of retired officers.

SEC. 1588. The pay of all officers of the Navy who have been retired after forty-five years' service after reaching the age of sixteen years, or who have been or may be retired after forty years' service, upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to seventy-five per centum of the sea pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement. The pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the sea-pay provided by this chapter for the grade or rank held by them, respectively, at the time of their retirement. *

Rear-admirals.

SEC. 1589. Rear-admirals on the retired list of the Navy, who were retired as captains when the highest grade in the Navy was captain, at the age of sixty-two years, or after forty-five years' service, and who, after their retirement, were promoted to the grade of rear-admiral, and performed the duties of that grade in time of war, shall be considered as having been retired as rear-admirals.

Third assistant engineers.

SEC. 1590. Officers who have been retired as third assistant engineers shall continue to receive pay at the rate of four hundred dollars a year.

Pay not increased by promotion.

SEC. 1591. No officer, heretofore, or hereafter promoted upon the retired list, shall, in consequence of such promotion, be entitled to any increase of pay.

Pay on active duty.

SEC. 1592. Officers on the retired list, when on active duty, shall receive the full pay of their respective grades.

Officers retired on furlough pay.

SEC. 1593. Officers placed on the retired list, on furlough pay, shall receive only one-half of the pay to which they would have been entitled if on leave of absence on the active list.

* Officers on retired list are not entitled to rations. See § 1595, p. 240.

SEC. 1594. The President, by and with the advice and consent of the Senate, may transfer any officer on the retired list from the furlough to the retired-pay list. Transfer from furlough to retired pay.

RESERVED TIMBER AND LANDS.

Sec.
2458. Live-oak and red-cedar lands.
2459. Selection of live-oak and red-cedar tracts.
2460. Protection of live-oak and red-cedar timber.
2461. Cutting or destruction of live-oak or red-cedar, penalty.
2462. Vessels employed in carrying away live-oak and red-cedar, forfeiture of.
Sec.
2463. Clearance of vessels laden with live-oak, prosecution of depredators.
4205. Duties of collectors of customs.
5388. Depredations on timber-lands.
—— Protection of shade-trees, fences, &c.

Title 32, Chap. 11.

SEC. 2458. The Secretary of the Navy is authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of such timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the same. Live-oak and red-cedar lands.

SEC. 2459. The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water-courses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States; but nothing in this section contained shall be construed to prejudice the prior rights of any person claiming lands, which may be reserved in the manner herein provided. Selection of live-oak and red-cedar tracts.

SEC. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida. Protection of live-oak and red-cedar timber.

SEC. 2461. If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months. [See § 4751, PENSION FUND.] Cutting or destruction of live-oak or red-cedar, penalty.

SEC. 2462. If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited. Vessels employed in carrying away live-oak and red-cedar, forfeiture of.

to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars. [See § 4751, PENSION FUND, NAVY.]

Clearance of vessels laden with live oak; prosecution of depredators.

SEC. 2463. It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live-oak growing on the public lands. [See § 4751, PENSION FUND, NAVY.]

Title 48, Chap. 2.

Clearance of vessel laden with live-oak.

SEC. 4205. Collectors of the collection-districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy.

Title 70, Chap. 8.

Depredations on timber lands.

SEC. 5388. Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon lands of the United States, which, in pursuance of law, may be reserved or purchased for military or other purposes, shall pay a fine of not more than five hundred dollars, and be imprisoned not more than twelve months.

An act to protect ornamental and other trees on government reservations and on lands purchased by the United States, and for other purposes.

March 3, 1875.

Cutting or injuring trees on lands of U. S. reserved or purchased for public use.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy or injure, or procure to be wantonly destroyed or injured, any timber-tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any lands of the United States, which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offense, pay a fine not exceeding five hundred dollars, or shall be imprisoned not exceeding twelve months.

Punishment.

Breaking fences, &c., inclosing lands of U. S. reserved or purchased for public use.

SEC. 2. That if any person or persons shall knowingly and unlawfully break or destroy any fence, wall, hedge, or gate inclosing any lands of the United States, which have, in pursuance of any law, been reserved or purchased by the United States for any public use, every such person so offending, on conviction, shall, for every such offense, pay a fine not exceeding two hundred dollars, or be imprisoned not exceeding six months.

Punishment.

Breaking fences, &c., and driving cattle, &c., on to lands of U. S. reserved for public use.

SEC. 3. That if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, reserved or purchased as aforesaid, and shall drive any cattle, horses, or hogs upon the lands aforesaid for the purpose of destroying the grass or trees on the said grounds, or where they may destroy the said grass or trees, or if any such person or persons shall knowingly permit his or their cattle, horses, or hogs to enter through any of said inclosures upon the lands of the United States aforesaid, where the said cattle, horses, or hogs may or can destroy the grass or trees or other property of the United States on the said land, every such person or persons so offending, on conviction, shall pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding twelve months: *Provided*, That nothing in this act shall be construed to apply to unsurveyed public lands and to public lands subject to pre-emption and homestead laws, or to public lands subject to an act to promote the development of the mining resources of the United States, approved May tenth, eighteen hundred and seventy-two.

Permitting cattle, &c., to enter through inclosures of such lands.

Punishment.

Proviso.

Approved, March 3, 1875.

REVENUE MARINE.

Sec.
2747. Revenue-cutters.
2748. Useless cutters may be sold.
2749. Number of officers and men.
2750. Grades of engineers.
2751. Appointment of commissioned officers.
2752. Qualifications of captains and lieutenants.
2753. Compensation of officer of revenue-cutter service.
2754. Wages of petty officers and crews.
2755. Officers on duty entitled to one Navy ration per day.
2756. Contracts for rations authorized.
2757. Revenue-officers to co-operate with the Navy.
2758. Powers of the Secretary of the Treasury.
2759. Aid to vessels on the lakes.
2760. Powers and duties of officers of revenue-cutters.
2761. Returns.
2762. Further duties of officers.
2763. Employment of small boats authorized.
2764. Ensigns and pendants.
2765. Immunities of officers.

Revenue-cutters.

SEC. 2747. The President may, for the better securing the collection of import or tonnage duties, cause to be maintained so many of the revenue-cutters as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of such sum as shall be annually appropriated for the revenue-cutter service, and not otherwise. [See § 5318, INSURRECTION.]

Useless cutters may be sold.

SEC. 2748. The President may from time to time cause such of the revenue-cutters as have become unfit for further service to be sold; and the proceeds shall be paid into the Treasury: *Provided*, That the Secretary of the Treasury may apply, in the purchase or construction of revenue-cutters, any unexpended balance of the proceeds of revenue-cutters sold by him under the authority of section two of the act of twentieth April, eighteen hundred and sixty-six, chapter sixty-three.

Number of officers and men.

SEC. 2749. The officers for each revenue-vessel shall be one captain, and one first, one second, and one third lieutenant, and for each steam-vessel, in addition, one engineer and one assistant engineer; but the Secretary of the Treasury may assign to any vessel a greater number of officers whenever in his opinion the nature of the service which she is directed to perform requires it. And vessels of both descriptions shall have such number of petty officers and men as in the opinion of the Secretary are required to make them efficient for their service.

Grades of engineers.

SEC. 2750. The grades of engineers shall be chief engineer, and first and second assistant engineer, with the pay and relative rank of first, second, and third lieutenant, respectively.

Appointment of commissioned officers.

SEC. 2751. The commissioned officers of the revenue-cutter service shall be appointed by the President, by and with the advice and consent of the Senate. [See § 1492, under RANK.]

Qualifications of captains and lieutenants.

SEC. 2752 No person shall be appointed to the office of captain, first, second, or third lieutenant, of any revenue-cutter, who does not adduce competent proof of proficiency and skill in navigation and seamanship.

Compensation of officers of revenue-cutter service.

SEC. 2753. The compensation of the officers of the revenue-cutter service shall be at the following rates while on duty:

Captains, twenty-five hundred dollars a year each.

First lieutenants and chief engineers, eighteen hundred dollars a year each.

Second lieutenants and first assistant engineers, fifteen hundred dollars a year each.

Third lieutenants and second assistant engineers, twelve hundred dollars a year each.

And at the following rates while on leave of absence or while waiting orders:

Captains, eighteen hundred dollars a year each.

First lieutenants and chief engineers, fifteen hundred dollars a year each.

Second lieutenants and first assistant engineers, twelve hundred dollars a year each.

Third lieutenants and second assistant engineers, nine hundred dollars a year each.

Wages of petty officers and crews.

SEC. 2754. The wages of petty officers and seamen of the revenue-cutter service shall not exceed the average wages paid for like services on the Atlantic or Pacific coast, respectively, in the merchant service.

Officers on duty entitled to one Navy ration per day.

SEC. 2755. Each officer of the revenue-cutter service, while on duty, shall be entitled to one Navy ration per day.

Contracts for rations authorized.

SEC. 2756. The Secretary of the Treasury may cause contracts to be made for the supply of rations for the officers and men of the revenue-cutters.

Revenue officers to co-operate with the Navy.

SEC. 2757. The revenue-cutters shall, whenever the President so directs, co-operate with the Navy, during which time they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the Navy Department. [See §§ 1492, RANK, and 5557, 5558, SLAVE-TRADE.]

Powers of the Secretary of the Treasury.

SEC. 2758. The Secretary of the Treasury may direct the performance of any service by the revenue-vessels which, in his judgment, is necessary for the protection of the revenue.

Aid to vessels on the lakes.

SEC. 2759. The revenue-cutters on the northern and northwestern lakes, when put in commission, shall be specially charged with aiding vessels in distress on the lakes.

Powers and duties of officers of revenue-cutters.

SEC. 2760. The officers of the revenue-cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessels until they arrive at the port or place of their destination.

Returns.

SEC. 2761. The master of any revenue-cutter shall make a weekly return to the collector, or other officer of the district under whose direction it is placed, of the transactions of the cutter, specifying the vessels that have been boarded, their names and descriptions, the names of the masters, from what port or place they last sailed, whether laden or in ballast, to what nation belonging, and whether they have the necessary manifests of their cargoes on board, and generally all such matters as it may be necessary for the officers of the customs to know.

Further duties of officers.

SEC. 2762. The officers of revenue-cutters shall perform, in addition to the duties hereinbefore prescribed, such other duties for the collection and security of the revenue as from time to time shall be directed by the Secretary of the Treasury, not contrary to law. [See § 4792, under QUARANTINE.]

Employment of small boats authorized.

SEC. 2763. The collector of each district may, with the approval of the Secretary of the Treasury, provide and employ such small open row and sail boats, and persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of vessels and otherwise, for the better detection of frauds.

Ensigns and pendants.

SEC. 2764. The cutters and boats employed in the service of the revenue shall be distinguished from other vessels by an ensign and pendant, with such marks thereon as shall be prescribed by the President. If any vessel or boat, not employed in the service of the revenue, shall, within the jurisdiction of the United States, carry or hoist any pendant or ensign prescribed for vessels in such service, the master of the vessel so offending shall be liable to a penalty of one hundred dollars.

Immunities of officers.

SEC. 2765. Whenever any vessel liable to seizure or examination does not bring-to, on being required to do so, or on being chased by any cutter or boat which has displayed the pendant and ensign prescribed for vessels in the revenue-service, the master of such cutter or boat may fire at or into such vessel which does not bring-to, after such pendant and ensign has been hoisted, and a gun has been fired by such cutter or boat as a signal; and such master, and all persons acting by or under his direction, shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he shall be forthwith admitted to bail. [See § 4843, INSANE OF THE NAVY.]

REGULATIONS, ORDERS, &c.

Sec.
1547. Regulations established.
1548. Copies to officers.

Title 15, Chap. 7.

Regulations.

SEC. 1547. The orders, regulations, and instructions issued by the Secretary of the Navy prior to July 14, 1862, with such alterations as he may since have adopted, with the approval of the President, shall be recognized as the regulations of the Navy, subject to alterations adopted in the same manner.

SEC. 1548. The Secretary of the Navy shall cause each commissioned or warrant officer of the Navy, on his entry into the service, to be furnished with a copy of the regulations and general orders of the Navy Department then in force, and thereafter with a copy of all such as may be issued. Copy to be furnished to officers.

RETURNS OFFICE.

Sec.
512. Returns Office.
513. Clerk to file returns.
514. Indexes.
515. Copies of returns.

SEC. 512. The Secretary of the Interior shall from time to time provide a proper apartment, to be called the Returns Office, in which he shall cause to be filed the returns of contracts made by the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, and shall appoint a clerk of the first class to attend to the same. [See §§ 3744–3747, CONTRACTS.] Title II, Chap. 8. Returns Office.

SEC. 513. The clerk of the Returns Office shall file all returns made to the Office, so that the same may be of easy access, keeping all returns made by the same officer in the same place, and numbering them in the order in which they are made. Clerk to file returns.

SEC. 514. The clerk of the Returns Office shall provide and keep an index-book, with the names of the contracting parties, and the number of each contract opposite to the names; and shall submit the index-book and returns to any person desiring to inspect it. Indexes.

SEC. 515. The clerk of the Returns Office shall furnish copies of such returns to any person paying therefor at the rate of five cents for every one hundred words, to which copies certificates shall be appended in every case by the clerk making the same, attesting their correctness, and that each copy so certified is a full and complete copy of the return. Copies of returns.

REVISED STATUTES—STATUTES AT LARGE.

GENERAL PROVISIONS.

Sec.
1. Definitions.
2. County.
3. Vessel.
4. Vehicle.
5. Company, association.
6. Seal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, In determining the meaning of the revised statutes, or of any act or resolution of Congress passed subsequent to February twenty-fifth, eighteen hundred and seventy-one, words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender may be applied to females; the words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person; the word "person" may extend and be applied to partnerships and corporations, and the reference to any officer shall include any person authorized by law to perform the duties of such office, unless the context shows that such words were intended to be used in a more limited sense; and a requirement of an "oath" shall be deemed complied with by making affirmation in judicial form. Title I, Chap. 1. Definitions.

SEC. 2. The word "county" includes a parish, or any other equivalent subdivision of a State or Territory of the United States. County.

SEC. 3. The word "vessel" includes every description of water-craft or other artificial contrivance used, or capable of being used, as a means of transportation on water. Vessel.

SEC. 4. The word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land. Vehicle.

Company, association.

SEC. 5. The word "company" or "association," when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association," in like manner as if these last-named words, or words of similar import were expressed.

Seal.

SEC. 6. In all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which such seal is necessary; which shall be as valid as if made on wax or other adhesive substance.

FORM OF STATUTES AND EFFECT OF REPEALS.

Sec.
7. Enacting clause.
8. Resolving clause.
9. No enacting words after first section.
10. Numbering and frame of sections.
11. Title of appropriation acts.
12. Repeal not to revive former act.
13. Repeals not to affect liabilities, unless, &c.

Title 1, Chap. 2.

Enacting clause.

SEC. 7. The enacting clause of all acts of Congress hereafter enacted shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."

Resolving clause.

SEC. 8. The resolving clause of all joint resolutions shall be in the following form: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

No enacting words after first section.

SEC. 9. No enacting or resolving words shall be used in any section of an act or resolution of Congress except in the first.

Numbering and frame of sections.

SEC. 10. Each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment.

Title of appropriation acts.

SEC. 11. The style and title of all acts making appropriations for the support of Government shall be as follows: "An act making appropriations (here insert the object) for the year ending June thirtieth, (here insert the calendar year.)

Repeal not to revive former act.

SEC. 12. Whenever an act is repealed, which repealed a former act, such former act shall not thereby be revived, unless it shall be expressly so provided.

Repeals not to affect liabilities, unless, &c.

SEC. 13. The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

LIMITATIONS.

Sec.
1043. Capital offenses.
1044. Offenses not capital.
1045. Fleeing from justice.
1046. Crimes under the revenue laws.
1047. Penalties and forfeitures under laws of the United States.
1048. Parties beyond reach of process during the rebellion.

Title 14, Chap. 19.

Capital offenses.

SEC. 1043. No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed.

Offenses not capital.

SEC. 1044. No person shall be prosecuted, tried, or punished for any offense not capital except as provided in section one thousand and forty-six, unless the indictment is found or the information is instituted within two years next after such offense is committed.

Fleeing from justice.

SEC. 1045. Nothing in the two preceding sections shall extend to any person fleeing from justice.

Crimes under the revenue laws.

SEC. 1046. No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the slave-trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime.

Penalties and forfeitures under laws of United States.

SEC. 1047. No suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, shall be maintained, except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued: *Provided*, That the person of the offender, or the property liable for such penalty or forfeiture, shall, within the same period, be found within the United States; so that the proper process therefor may be instituted and served against such person or property.

Parties beyond reach of process during the rebellion.

SEC. 1048. In all cases where, during the late rebellion, any person could not, by reason of resistance to the execution of the laws of the United States, or of the interruption of the ordinary course of judicial proceedings, be served with process for the commencement of any action, civil or criminal, which had accrued against him, the time during which such person was beyond the reach of legal process shall not be taken as any part of the time limited by law for the commencement of such action.

REPEAL PROVISIONS.

Sec.
5595. What Revised Statutes embrace.
5596. Repeal of acts embraced in revision.
5597. Accrued rights reserved.
5598. Prosecutions and punishments.
5599. Acts of limitation.
5600. Arrangement and classification of sections
5601. Acts passed since December 1, 1873, not affected.

Title 74.

What Revised Statutes embrace.

SEC. 5595. The foregoing seventy-three titles embrace the statutes of the United States general and permanent in their nature, in force on the 1st day of December, one thousand eight hundred and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited, as The Revised Statutes of the United States.

Repeal of acts embraced in revision.

SEC. 5596. All acts of Congress passed prior to said first day of December one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision, having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into said revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal, or in any way affect any appropriation, or any provision of a private, local or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day no part of which are embraced in said revision, shall not be affected or changed by its enactment.

Accrued rights reserved.

SEC. 5597. The repeal of the several acts embraced in said revision, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal, in any manner affect the right to any office, or change the term or tenure thereof.

Prosecutions and punishments.

SEC. 5598. All offenses committed, and all penalties or forfeitures incurred under any statute embraced in said revision prior to said repeal, may be prosecuted and punished in the same manner and with the same effect, as if said repeal had not been made.

Acts of limitation.

SEC. 5599. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in said revision and covered by said repeal, shall not be affected thereby, but all suits, proceedings or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

Arrangement and classification of sections.

SEC. 5600. The arrangement and classification of the several sections of the revision have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the Title, under which any particular section is placed.

Acts passed since December 1, 1873, not affected.

SEC 5601. The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December one thousand eight hundred and seventy-three, and all acts passed since that date are to have full effect as if passed after the enactment of this revision, and so far as such acts vary from, or conflict with any provision contained in said revision, they are to have effect as subsequent statutes, and as repealing any portion of the revision inconsistent therewith.

An act providing for publication of the revised statutes and the laws of the United States.

June 20, 1874. * * * * * * *

Preparation of Revised Statutes for printing, &c.

SEC. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication and distribution the revised statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head notes of the several titles and chapters and the marginal notes referring to the statutes from which each section was compiled and repealed by said revision; and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same. And when the same shall be completed, the said Secretary shall duly certify the same under the seal of the United States,* and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States, and of the several States and Territories.

Certification by Secretary of State; printed copies to be evidence.

Title of revision.

Revision relating to the District.

SEC. 3. That the revision of the statutes of a general and permanent nature, with the index thereto, shall be printed in one volume, and shall be entitled and labeled "Revised Statutes of the United States;" and the revision of the statutes relating to the District of Columbia; to post-roads, and the public treaties in force on the first day of December, one thousand eight hundred and seventy-three, with a suitable index to each, shall be published in a separate volume, and entitled and labeled "Revised Statutes relating to District of Columbia and Post-Roads. Public Treaties."

To be stereotyped, &c., at Government Printing Office.

Distribution and sale.

SEC. 4. That the Secretary of State shall cause the two volumes to be stereotyped and such number of each volume to be printed and substantially bound at the Government Printing Office as he may deem needful, for public distribution as hereinafter provided, and for sale by his office.

Preparation of annual statutes.

Pamphlet and bound copies.

SEC. 5. That he shall, in like manner, cause to be edited, printed, published and distributed pamphlet copies of the statutes of the present and each future session of Congress, to the officers and persons hereinafter provided, and bound copies of the laws of each Congress to the number of two thousand copies to be distributed in the manner now provided by law, and uniform with the said edition of the revised statutes.

Distribution of pamphlet copies of acts of each session.

SEC. 6. That at the close of every session of Congress the Secretary of State shall cause to be distributed pamphlet copies of the acts and resolves of Congress for that session, edited and printed in the manner aforesaid, as follows: * * * To the Navy Department, including those for the use of officers of the Navy, one hundred copies. * * *

Preparation of laws of each Congress.

Distribution.

SEC. 7. That after the close of each Congress the Secretary of State shall have edited, printed and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: * * * To the Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the library of the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, sixty-five copies. * * *

Printed copies to be evidence.

SEC. 8. That the said printed copies of the said acts of each session and of the said bound copies of the acts of each Congress shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States and of the several States therein.

Laws of each session to be stereotyped.

SEC. 9. That the said laws of each session of Congress shall also be stereotyped and printed for sale as provided in respect to the said revised statutes. And the copies of the said revised statutes and of the said laws of each session of Congress, as issued from time to time,

* The certificate to be given under the seal of the Department of State. Act of December 28, 1874.

shall be respectively sold at the cost of the paper, press work and binding, with ten per cent. thereof added thereto, to any person applying for the same. And the proceeds of all sales shall be paid into the Treasury.

* * * * * * *

Approved, June 20, 1874.

An act providing for the authentication of the revised statutes of the United States and for preserving the originals of all laws in the Department of State.

Dec. 28, 1874.

Certificate to Revised Statutes, how to be made.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the certificate to the printed volume of the revised statutes of the United States required by section two of "An act providing for publication of the revised statutes and laws of the United States," approved June twentieth, eighteen hundred and seventy-four, shall be made by the Secretary of State under the seal of the Department of State, and so much of said section as provides that such certificate shall be under the seal of the United States is hereby repealed.

Approved, December 28, 1874.

An act providing for the distribution of the Revised Statutes of the United States.

Feb. 18, 75.

Copies of Revised Statutes for use of members of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is hereby directed to furnish, for the use of the Senate, one thousand copies of the Revised Statutes of the United States; and for the use of the House of Representatives, three thousand copies of the same; to be distributed to the members of the present Congress.

Arrangement for sale of Revised Statutes.

SEC. 2. That the Secretary of State is hereby authorized to make arrangement with persons engaged in the business of selling books, to keep on sale the Revised Statutes of the United States; but in any such arrangement it shall be provided that the same be sold at the Government price to all purchasers, and the Secretary may allow to any such person keeping the Revised Statutes for sale, such part of the ten per cent. above the actual cost, as he may deem just and reasonable.

Approved, February 18, 1875.

Editing, printing, sale, and distribution of Statutes at Large.

March 3, 1875.

Sale of Statutes at Large.

SEC. 9. That the Secretary of State shall cause the statutes at large enacted by each Congress, which shall be edited and printed pursuant to the provisions of section seven of the act entitled "An act for publication of the Revised Statutes and the laws of the United States," approved June twentieth, eighteen hundred and seventy-four, to be stereotyped and offered for sale in the same manner and on the same terms as is provided in and by section nine of said act herein mentioned in respect to the laws of each session of Congress. That the provisions of section two of the act entitled "An act providing for the distribution of the Revised Statutes," approved February eighteenth, eighteen hundred and seventy-five, shall apply to the statutes at large enacted by each Congress and to the laws of each session of Congress, to be published pursuant to said act of June twentieth, eighteen hundred and seventy-four, in the same manner as if specially mentioned therein. That the Congressional Printer be, and he is hereby directed, in causing to be printed and bound an edition of the laws at the close of the session for the use of the Senate and the House of Representatives, to print the same from the stereotype plates of the edition prepared under the direction of the Department of State, with the index thereof; and so much of the act entitled "An act to expedite and regulate the printing of public documents, and for other purposes," approved June twenty-fifth, eighteen hundred and sixty-four, as requires the preparation of an alphabetical index, under the direction of the Joint Committee on Printing, be and the same is hereby, repealed.

Printing and binding.

Approved, March 3, 1875.

Title

Preservation of copies of Statutes at Large.

SEC. 1777. The various officers of the United States, to whom, in virtue of their offices and for the uses thereof, copies of the United States Statutes at Large, published by Little, Brown and Company, have been or may be distributed at the public expense, by authority of law, shall preserve such copies, and deliver them to their successors respectively as a part of the property appertaining to the office. A printed copy of this section shall be inserted in each volume of the Statutes distributed to any such officers.

Dec. 28, 1874.

SEC. 2. That section No. two hundred and four of the Revised Statutes shall hereafter read as follows: Whenever a bill, order, resolution or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals.

Approved, December 28, 1874.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

Whereas, by section 2 of an act entitled "An act providing for publication of the Revised Statutes and the laws of the United States," approved June 20, 1874, it is provided as follows, viz:

"SEC. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication, and distribution, the Revised Statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head-notes of the several titles and chapters, and the marginal notes referring to the statutes from which each section was compiled and repealed by said revision, and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same. And when the same shall be completed, the said Secretary shall duly certify the same under the seal of the United States, and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States, and of the several States and Territories."

And whereas, by section 1 of an act entitled "An act providing for the authentication of the Revised Statutes of the United States and for preserving the originals of all laws in the Department of State," it is provided, "That the certificate to the printed volume of the Revised Statutes of the United States required by said section 2 of the act of June 20, 1874, shall be made by the Secretary of State under the seal of the Department of State."

Now, therefore, I, Hamilton Fish, Secretary of State, do hereby certify that the following are the "Revised Statutes of the United States" as enacted by Congress on the 22d day of June, 1874, prepared, printed, and published according to the provisions of the said first-mentioned act of June 20, 1874.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this twenty-second day of February, A. D. 1875, and of the Independence of the United States of America the ninety-ninth.

[SEAL.] HAMILTON FISH.

SAILMAKERS.

See WARRANT OFFICERS.

SALE OF CONDEMNED STORES, PUBLIC PROPERTY, &c.

Sec.
3617. Moneys to be deposited without deduction.
3618. Proceeds of sales of material.
3619. Penalty for withholding money.
3672. Statement of proceeds of sales.
—— Disposition of useless ordnance material.

Title 40.

Moneys to be deposited without deduction.

SEC. 3617. The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in the next section, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post-Office Department.

SEC. 3618. All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue-cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law. [See § 1541, VESSELS OF THE NAVY.]

Proceeds of sales of material.

SEC. 3619. Every officer or agent who neglects or refuses to comply with the provisions of section thirty-six hundred and seventeen shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld, to which he might otherwise be entitled.

Penalty for withholding money.

Title 41.

SEC. 3672. A detailed statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind, shall be included in the appendix to the book of estimates. See § 3692, p. 12.

Statement of process of sales of old material.

[From an act making appropriations for sundry civil expenses.]

March 3, 1875.

That the Secretary of the Navy is authorized to dispose of the useless ordnance material on hand at public sale, according to law, the net proceeds of which shall be turned into the Treasury; and an amount equal to the same is hereby appropriated, to be applied to the purpose of procuring a supply of material adapted in manufacture and calibre to the present wants of the service; but there shall be expended, under this provision, not more than seventy-five thousand dollars in one year.

Approved March 3, 1875.

Disposition of ordnance material.

SALVAGE.

See PRIZE.

SEAMEN—MERCHANT.

Sec.
4501. Appointment of shipping-commissioners.
4502. Bond and oath of commissioners.
4503. When officers of the customs shall act as commissioners.
4504. Penalty for unlawfully acting as commissioner.
4505. Clerks of commissioner.
4506. Seal of commissioner.
4507. Office of commissioner.
4508. Duties of commissioner.
4511. Shipping-articles.
4512. Rules for shipping-articles.
4513. Exceptions as to shipping-articles.
4514. Penalty for shipping without agreement.
4515. Penalty for knowingly shipping seamen without articles.
4516. Lost seamen may be replaced.
4517. Shipping seamen in foreign ports.
4518. Penalty for violating preceding section.
4538. Effects of deceased seamen.
4539. Proceedings in regard to effects.
4540. Penalty for neglect in regard to seamen's effects.
4541. Duties of consular officers in regard to deceased seamen's effects.
4548. Wages payable in gold.
4559. Appointment of inspectors by consul in foreign ports.
4560. Report of inspectors.
4561. Discharge of seamen on account of unseaworthiness of vessel.
4562. Payment of charges for inspection.
4563. Refusal to pay wages, charges, and damages; penalty.
4565. Examination of provisions.
4566. Forfeiture for false complaint.
4567. Permission to enter complaint.
4577. Return of seamen.
4578. Penalty for refusal to receive seamen.
4579. Additional allowance for transportation of destitute seamen.
4580. Extra wages on discharge.
4581. Penalty for neglect to collect extra wages.
4582. Extra wages upon discharge in case of sale.
4583. When extra wages may be remitted.
4584. Disposal of extra wages.
4588. Certificate of citizenship.
4589. Protest upon impressment.
4600. Reclamation and discharge of deserters.
5363. Abandonment of mariners.

Title 53, Chap. 1.

SEC. 4501. The several circuit courts within the jurisdiction of which there is a port of entry which is also a port of ocean navigation, shall appoint a commissioner for each such port which in their judgment may require the same, such commissioners to be termed shipping-commissioners; and may, from time to time, remove from office any commissioner whom the court may have reason to believe does not properly perform his duties, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Such courts shall regulate the mode of conducting business in the shipping-offices to be established by the shipping-commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

Appointment of shipping-commissioners.

Bond and oath of commissioner.

SEC. 4502. Every shipping-commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient sureties therefor, to be approved by such judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

When officers of the customs shall act as commissioners.

SEC. 4503. In any port in which no shipping-commissioner shall have been appointed, the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom-house shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping-commissioner within the meaning of this Title.

Penalty for unlawfully acting as commissioner.

SEC. 4504. Any person other than a commissioner under this Title, who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping-commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this Title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping-commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection-district where no shipping-commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

Clerks of commissioner.

SEC. 4505. Any shipping-commissioner may engage clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping commissioner.

Seal of commissioner.

SEC. 4506. Each shipping-commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such shipping-commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

Ibid.

Office of commissioner.

SEC. 4507. Every shipping-commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith; and these premises shall be styled the shipping-commissioner's office.

Duties of commissioner.

SEC. 4508. The general duties of a shipping-commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

Shipping-articles.

SEC. 4511. The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress as proper to be adopted, and which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law.

Rules for shipping-articles.

SEC. 4512. The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of ——, County of ——:

"On this —— day of ——, personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

Exception as to shipping-articles.

SEC. 4513. The preceding section shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seaman may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reship and sail in the same vessel on another voyage, without the payment of additional fees to the shipping-commissioner, by either the seaman or the master.

Penalty for shipping without agreement.

SEC. 4514. If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself

without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

Penalty for knowingly shipping seamen without articles.

SEC. 4515. If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant-vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

Lost seamen may be replaced.

SEC. 4516. In case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

Shipping seamen in foreign ports.

SEC. 4517. Every master of a merchant-vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping-commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

Penalty for violating preceding section.

SEC. 4518. Every master who engages any seaman in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

Effects of deceased seamen.

SEC. 4538. Whenever any seaman or apprentice belonging to or sent home on any merchant-vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

Proceedings in regard to effects of deceased seamen.

SEC. 4539. In cases embraced by the preceding section, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping-commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping-commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or ship-

ping-commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log-book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

Penalty for neglect in regard to seaman's effects.

SEC. 4540. Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

Duties of consular officers in regard to deceased seaman's effects.

SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title, and shall quarterly remit to the district judge for the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district judge requires.*

Title 53, Chap. 4.

Wages payable in gold.

SEC. 4548. Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

Title 53, Chap. 5.

Appointment of inspectors by consul in foreign port.

SEC. 4559. Upon a complaint in writing, signed by the first, or the second and third officers and a majority of the crew, of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the consul or a commercial agent who may discharge any duties of a consul, shall appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of complaint, who shall, in their report, state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

Report of inspectors.

SEC. 4560. The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the

*Unclaimed wages and effects, after six years, go to the fund for the relief of disabled and destitute seamen. § 4545.

ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

Discharge of seamen on account of unseaworthiness of vessel.

SEC. 4561. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident, and in case it was by neglect or design, and the consul or other commercial agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the time of discharge; but if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to their pay up to the time of discharge. [See §§ 1708, 1736, under head of DIPLOMATIC OFFICERS.]

Payment of charges for inspection.

SEC. 4562. The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

Refusal to pay wages and charges; damages; penalty.

SEC. 4563. Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Examination of provisions.

SEC. 4565. Any three or more of the crew of any merchant-vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping-commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

Forfeiture for false complaint.

SEC. 4566. If the officer to whom any such complaint, in regard to the provisions or the water, is made, certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

Permission to enter complaint.

SEC. 4567. If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will

permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

Return of seamen.

SEC. 4577. It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port of the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities. [See §§ 1719, 1736, DIPLOMATIC OFFICERS, and 5363.]

Penalty for refusal to receive seamen.

SEC. 4578. All masters of vessels belonging to citizens of the United States, and bound to some port of the same, are required to take such destitute seamen on board of their vessels, at the request of the consuls, vice-consuls, commercial agents, or vice-commercial agents, respectively, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person, as may be agreed between the master and the consul or officer. Every such master who refuses the same on the request or order of such consul or officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consul or officer, given under his hand and official seal, shall be presumptive evidence of such refusal, in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than two men to every one hundred tons burden of the vessel, on any one voyage. [See § 1719, DIPLOMATIC OFFICERS.]

Additional allowance for transportation of destitute seamen.

SEC. 4579. Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

Extra wages on discharge.

SEC. 4580. Upon the application of any seaman to a consular officer for a discharge, if it appears to such officer that he is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, the officer shall discharge such seaman; and shall require from the master of the vessel from which such discharge shall be made, the payment of three months' extra wages, over and above the wages which may then be due to such seaman. When, however, after a full hearing of both parties, the cause of discharge is found to be the misconduct of the seaman, the consular officer may remit so much of the extra wages as would be, by section forty-five hundred and eighty-four, payable to the seaman. [See §§ 1708, 1719, 1736, DIPLOMATIC OFFICERS.]

Penalty for neglect to collect extra wages.

SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman to the full amount of his share thereof; and if any seaman shall, after his discharge, have incurred any expense for board or other necessaries at the place of his discharge, before shipping again, such expense shall be paid out of the share of three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him. [See §§ 1719, 1736, DIPLOMATIC OFFICERS.]

Extra wages upon discharge, in case of sale.

SEC. 4582. Whenever a vessel belonging to a citizen of the United States is sold in a foreign country, and her company discharged, or when a seaman, a citizen of the United States, is, with his own consent, discharged in a foreign country, it shall be the duty of the master to produce to the consular officer, the certified list of his ship's company, and to pay such consul or officer, for every seaman so discharged, designated on such list as a citizen of the United States, three months' pay, over and above the wages which may then be due to such seaman.

When extra wages may be remitted.

SEC. 4583. No payment of extra wages shall be required upon the discharge of any seaman in cases where vessels are wrecked, or stranded, or condemned as unfit for service. If any consular officer, upon the

complaint of any seaman that he has fulfilled his contract, or that the voyage is continued contrary to his agreement, is satisfied that the contract has expired, or that the voyage has been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay. No payment of such extra wages, or any part thereof, shall be remitted in any case, except as allowed in this section.

Disposal of extra wages.

SEC. 4584. Whenever any consular officer upon the discharge of any seaman demands or receives extra three months' wages for such seaman, two-thirds thereof shall be paid by such officer to the seaman so discharged, upon his engagement on board of any vessel to return to the United States. The remaining third shall be retained for the purpose of creating a fund for the payment of the passages of seamen, citizens of the United States, who may be derious of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the Treasury every six months by the persons receiving the same. [See § 1719, DIPLOMATIC OFFICERS.]

Certificate of citizenship.

SEC. 4588. The collector of every district shall keep a book or books, in which at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify, that E. F., an American seaman, aged ——— years, or thereabouts, of the height of ——— feet ——— inches, (describing the said seaman as particularly as may be,) has, this day, produced to me proof in the manner directed by law; and I do hereby certify that the said E. F. is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this ——— day of ———." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. For each certificate so delivered, the collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents. [See § 2174, NATURALIZATION.]

Protest upon impressment.

SEC. 4589. The master of every vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, shall, at the first port at which such vessel arrives, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also whether he was an American citizen; and, if not, to what nation he belonged. Such master shall also transmit, by post or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the United States to the Secretary of State, together with information to whom the original protest was transmitted. In case such protest shall be made within the United States, or in any foreign country, in which no consul, agent, or minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

Title 53, Chap. 7.

Reclamation and discharge of deserters by consular officers.

SEC. 4600. It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end, in the most effectual manner. In all cases where deserters are apprehended, the consular officer shall inquire into facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, the seaman shall be discharged, and receive in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew-list and shipping-articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto, officially. [See § 1736, under DIPLOMATIC OFFICERS.]

Title 70, Chap. 3.

Forcible abandonment of officer or mariner in foreign port.

SEC. 5363. Every master or commander of any vessel belonging, in whole or part, to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months.

SEAMEN IN THE NAVY.

Sec.
1407. Promotion of seamen.
1410. Petty officers.
1417. Enlisted men, number of.
1418. Term of enlistment.
1419. Consent of parents and guardians.
1420. Persons not to be enlisted.
1421. Transfer from military to naval service.
1422. Men sent home at expiration of term.
1423. Subject to regulations, &c.
1424. Limit of detention.
1425. What to be contained in shipping-articles.
1426. Honorable discharge, to whom granted.
1427. Form of honorable discharge.
1429. Men entitled to honorable discharge.
1430. Sale of wages and prize-money.
1431. Duty as to granting leave and liberty.
1569. Enlisted men.
1570. Additional pay for serving as firemen, &c.
1572. Detention beyond term of enlistment.
1573. Bounty-pay for re-enlisting.

Title 15, Chap. 1.

Promotion of seamen to warrant officers. Act of May 17, 1864.

SEC. 1407. Seamen distinguishing themselves in battle or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers, upon the recommendation of their commanding officer, approved by the flag-officer and Secretary of the Navy. And upon such recommendation they shall receive a gratuity of one hundred dollars and a medal of honor, to be prepared under the direction of the Navy Department.

Petty officers.

SEC. 1410. All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, and except secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from persons of inferior ratings.

Enlisted men, number of.

SEC. 1417. The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, shall not exceed eight thousand five hundred.

Term of enlistment.

SEC. 1418. Boys between the ages of sixteen and eighteen years may be enlisted to serve in the Navy until they shall arrive at the age of twenty-one years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President. [See § 1624, Art. 19, page 18.]

Consent of parents and guardians.

SEC. 1419. Minors between the age of sixteen and eighteen years shall not be enlisted for the naval service without the consent of their parents or guardians. [See § 1624, Art. 19, page 18.]

Persons not to be enlisted.

SEC. 1420. No minor under the age of sixteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States shall be enlisted in the naval service. [See Art. 19.]

Transfer from military to naval service.

SEC. 1421. Any person enlisted in the military service of the United States may, on application to the Navy Department, approved by the President, be transferred to the Navy or Marine Corps, to serve therein the residue of his term of enlistment, subject to the laws and regulations for the government of the Navy. But such transfer shall not release him from any indebtedness to the Government, nor, without the consent of the President, from any penalty incurred for a breach of military law.

Men sent home at expiration of term of enlistment in Navy.

SEC. 1422. *That it shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast of the United States, in some public or other vessel, all petty-officers and persons of inferior ratings desiring to go there at the expiration of their terms of enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic or Pacific port. All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a

Detention beyond term.

Persons enlisted without limits of United States; discharge; detention.

*As amended by act of March 3, 1875.

foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment; and that all persons sent home, or detained by a commanding officer, according to the provisions of this act, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge; and all persons so detained by such officer, or re-entering to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port; and that all persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily re-enter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay: *Provided*, That the shipping-articles shall hereafter contain the substance of this section. [See § 1572, *infra*.]

Men subject to regulations until return or discharge.

How long held in service after arrival.

Additional pay for detention service.

This section to be contained in shipping-articles.

Subject to regulations while sent home or detained.

SEC. 1423. All persons sent home, or detained by a commanding officer, according to the provisions of the preceding section, shall be subject in all respects to the laws and regulations for the government of the Navy, until their return to an Atlantic port and their regular discharge.

Limit of detention.

SEC. 1424. Persons so detained by a commanding officer, or re-entering to serve until the return to an Atlantic port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port.

What to be contained in shipping-articles.

SEC. 1425. The shipping articles shall contain the substance of the three sections next preceding and of section fifteen hundred and seventy-two.

Honorable discharge, to whom granted.

SEC. 1426. Honorable discharges may be granted to seamen, ordinary seamen, landsmen, firemen, coal-heavers, and boys who have enlisted for three years.

Form of honorable discharge.

SEC. 1427. Honorable discharges shall be granted according to a form prescribed by the Secretary of the Navy.

Title 15, Chap. 2.

SEC. 1429. It shall be the duty of every commanding officer of a vessel, on returning from a cruise, and immediately on his arrival in port, to forward to the Secretary of the Navy a list of the names of such of the crew who enlisted for three years as, in his opinion, on being discharged, are entitled to an "honorable discharge" as a testimonial of fidelity and obedience; and he shall grant the same to the persons so designated.

Report of men entitled to honorable discharge.

To discourage sale of prize-money or wages.

SEC. 1430. Every commanding officer of a vessel is required to discourage his crew from selling any part of their prize-money, bounty-money, or wages, and never to attest any power of attorney for the transfer thereof until he is satisfied that the same is not granted in consideration of money given for the purchase of prize-money, bounty-money, or wages. [See § 4643, PRIZE.]

Duty as to granting leave and liberty.

SEC. 1431. It shall be the duty of commanding officers of vessels, in granting temporary leave of absence and liberty on shore, to exercise carefully a discrimination in favor of the faithful and obedient.

Title 15, Chap. 8.

SEC. 1569. The pay to be allowed to petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal-heavers, in the naval service, shall be fixed by the President: *Provided*, That the whole sum to be given for the whole pay aforesaid, and for the pay of officers, and for the said bounties upon enlistments shall not exceed, for any one year, the amount which may, in such year, be appropriated for such purposes.

Pay of enlisted men.

Additional pay for serving as firemen and coal-heavers.

SEC. 1570. Every seaman, ordinary seaman, or landsman who performs the duty of a fireman or coal-heaver on board of any vessel of war shall be entitled to receive, in addition to his compensation as seaman, ordinary seaman, or landsman, a compensation at the rate of thirty-three cents a day for the time he is employed as fireman or coal-heaver.

Detention beyond term of enlistment.

SEC. 1572. All petty officers and persons of inferior ratings who are detained beyond the terms of service, according to the provisions of section fourteen hundred and twenty-two, or who, after the termination of their service, voluntarily re-enter, to serve until the return to an Atlantic port of the vessel to which they belong, and until their regular discharge therefrom, shall, for the time during which they are so detained or so serve beyond their original terms of service, receive an addition of one-fourth of their former pay.

SEC. 1573. If any seaman, ordinary seaman, landsman, fireman, coal-heaver, or boy, being honorably discharged, shall re-enlist for three years, within three months thereafter, he shall, on presenting his honorable discharge, or on accounting in a satisfactory manner for its loss, be entitled to pay, during the said three months, equal to that to which he would have been entitled if he had been employed in actual service. Bounty-pay for re-enlisting.

SEA-SERVICE.

SEC. 1571. No service shall be regarded as sea service except such as shall be performed at sea, under the orders of a Department and in vessels employed by authority of law. Title 15, Chap. 8. Sea-service.

SECRETARIES AND CLERKS.

Sec.
1367. Secretary to Admiral and Vice-Admiral.
1386. Clerks to paymasters of fleet, &c.
1387. When not allowed to paymasters.
1388. Clerks of passed assistant and assistant paymasters.
1416. Certain clerks may be discontinued.
1556. Pay of secretaries and clerks.

SEC. 1367. The Admiral and Vice-Admiral shall each be allowed a secretary, who shall be entitled to the rank and allowances of a lieutenant in the Navy. Title 15, Chap. 1. Secretaries to Admiral and Vice-Admiral.

SEC. 1386. Paymasters of the fleet, paymasters on vessels having complements of more than one hundred and seventy-five persons, on supply-steamers, store-vessels, and receiving ships, paymasters at stations and at the Naval Academy, and paymasters detailed at stations as inspectors of provisions and clothing, shall each be allowed a clerk. Clerks to paymasters of the fleet and others.

SEC. 1387. No paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply-steamers and store-vessels. When not allowed to paymasters.

SEC. 1388. Passed assistant paymasters and assistant paymasters attached to vessels of war shall be allowed clerks, if clerks would be allowed by law to paymasters so attached. Clerks of passed assistant and assistant paymasters.

SEC. 1416. The Secretary of the Navy is authorized, when in his opinion the public interest will permit it, to discontinue the office or employment of any measurer and inspector of timber, clerk of the yard, clerk of the commandant, clerk of the store-keeper, clerk of the naval constructor, and the keeper of the magazine employed at any navy-yard, and to require the duties of the keeper of the magazine to be performed by gunners. Civil offices at yards may be discontinued by Secretary of the Navy.

SEC. 1556. Secretaries to the Admiral and the Vice-Admiral, each two thousand five hundred dollars. Title 15, Chap. 8. Pay of secretary to Admiral and Vice-Admiral.

Secretaries to commanders of squadrons, two thousand dollars. Secretaries to commanders of squadrons and Naval Academy.

Secretary of the Naval Academy, one thousand eight hundred dollars.

Clerks to commanders of squadrons and commanders of vessels, seven hundred and fifty dollars. Clerks to commanders of squadrons, &c.

First clerks to commandants of navy-yards, one thousand five hundred dollars. Clerks to commandants of yards and stations.

Second clerks to commandants of navy-yards, one thousand two hundred dollars.

Clerk to commandant of navy-yard at Mare Island, one thousand eight hundred dollars.

Clerks to commandants of naval stations, one thousand five hundred dollars.

Clerks to paymasters at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; Kittery, Norfolk, and Pensacola, one thousand four hundred dollars; Mare Island, one thousand eight hundred dollars. Clerks to paymasters of yards and stations.

Clerks to paymasters, at other stations, one thousand three hundred dollars.

Clerks to paymasters of receiving-ships at Boston, New York, and Philadelphia, one thousand six hundred dollars; at Mare Island, one thousand eight hundred dollars; of other receiving-ships, one thousand three hundred dollars. Clerks to paymasters of receiving-ships, &c.

Clerks to paymasters of vessels.

Clerks to paymasters on vessels of the first rate, one thousand three hundred dollars; on vessels of the second rate, one thousand one hundred dollars; on vessels of the third rate, and supply-vessels and storeships, one thousand dollars.

Clerks to fleet paymasters.

Clerks to fleet paymasters, one thousand one hundred dollars.

Clerks to paymasters at Asylum and Academy.

Clerks to paymasters at the Naval Academy and Naval Asylum, one thousand three hundred dollars.

Clerks to inspectors.

Clerks to inspectors in charge of provisions and clothing, at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; to inspectors in like charge at other inspections, one thousand three hundred dollars.

SLAVE-TRADE, KIDNAPPING, &c.

Sec.
1046. Limitation of prosecution, &c.
5377. Bringing into United States, or holding or selling persons as slaves.
5378. Equipping vessels for slave-trade.
5379. Transporting persons to be held as slaves.
5380. Hovering on coast with slaves on board.
5381. Serving in vessels engaged in transporting slaves.
5382. Serving in foreign vessels employed in the slave-trade.
5524. Receiving or carrying away any person to be sold or held as a slave.
5525. Kidnapping.
5526. Holding or returning persons to peonage.
5527. Obstructing execution of laws prohibiting peonage.
5551. Equipping, &c., vessel for slave-trade; forfeiture of vessel.
5552. Penalty on persons building, equipping, &c.
5553. Forfeiture of vessel transporting slaves.
5554. Penalty for receiving persons on board to be sold as slaves.
5555. Forfeiture of vessel found hovering on coast, &c.
5556. Forfeiture of interest in vessels transporting slaves.
5557. Seizure of vessels engaged in the slave-trade.
5558. Proceeds of condemned vessels, how distributed.
5559. Disposal of persons found on board seized vessels.
5560. Apprehension of officers and crew.
5561. Removal of persons delivered from seized vessels.
5562. Bounty.
5563. To what port captured vessels sent.
5564. When owners of foreign vessels shall give bond.
5565. Distribution of penalties.
5566. Contracts for reception in Africa of persons delivered from seized vessels.
5567. Instructions to commanders of armed vessels.
5568. Contracts for reception, &c., in West Indies of persons delivered from seized vessels.
5569. Instructions to commanders of armed vessels.

Title 13, Chap. 19.

Limitation of prosecution, &c.

SEC. 1046. No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the slave-trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime.

Title 70, Chap. 3.

Bringing into United States, or holding or selling persons as slaves.

SEC. 5377. Every person who brings within the jurisdiction of the United States, in any manner whatsoever, any negro, mulatto, or person of color, from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any negro, mulatto, or person of color so brought in as a slave, or to be held to service or labor, shall be fined not more than ten thousand dollars nor less than one thousand, one-half to the use of the United States, and the other half to the use of the party who prosecutes the indictment to effect, and, moreover, shall suffer imprisonment at hard labor not more than seven years, nor less than three years.

Equipping vessels for slave-trade.

SEC. 5378. Every person who builds, fits out, equips, loads, or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any negro, mulatto, or person of color from any foreign kingdom or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be punished by a fine of not less than one thousand dollars, nor more than five thousand dollars, one-half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect, and shall, moreover, be imprisoned at hard labor for a term not more than seven years, nor less than three years. [See §§ 5551, 5552.]

Transporting persons to be held as slaves.

SEC. 5379. Every citizen or other person resident within the jurisdiction of the United States, who takes on board, receives, or transports from any foreign kingdom or country, or from sea, any negro, mulatto, or person of color, in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the preceding section. [See §§ 5524, 5553, 5554, 5556.]

Hovering on coast of United States with slaves on board.

SEC. 5380. Every captain, master, or commander of any American vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of color for the purpose of selling them as slaves, or with intent to land the same for any such purpose, shall be fined not more than ten thousand dollars, and be imprisoned at hard labor not less than two years, nor more than four years. [See § 5555.]

Serving in vessels engaged in transporting slaves.

SEC. 5381. Every citizen of the United States, or other person residing therein, who voluntarily serves on board of any American vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be punished by a fine of not more than two thousand dollars, and by imprisonment not more than two years. [See § 5556.]

Serving in foreign vessels employed in the slave-trade.

SEC. 5382. Every citizen of the United States who voluntarily serves on board of any foreign vessel employed in the slave-trade, shall be punished as prescribed in the preceding section. [See § 1046.]

Title 70, Chap. 7.

Receiving on board a vessel, or carrying away any person to be sold or held as a slave.

SEC. 5524. Every master or owner or person having charge of any vessel who receives on board any other person, with the knowledge or intent that such person is to be carried from any State, Territory, or district of the United States to a foreign country, state, or place, to be held or sold as a slave, or carries away from any State, Territory, or district of the United States any such person, with the intent that he may be so held or sold as a slave, shall be punished by a fine of not more than five thousand nor less than five hundred dollars, or by imprisonment not more than five years, or by both. [See § 5379.]

Kidnapping.

SEC. 5525. Every person who kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment not more than five years, or by both. [See § 5375, PIRACY.]

Holding or returning persons to peonage.

SEC. 5526. Every person who holds, arrests, or returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one year nor more than five years, or by both.*

Obstructing execution of laws prohibiting peonage.

SEC. 5527. Every person who obstructs or attempts to obstruct, or in any way interferes with, or prevents the enforcement of, the preceding section, shall be liable to the pains and penalties therein prescribed.

Title 71.

Equipping, &c., vessel for slave-trade; forfeiture of vessel.

SEC. 5551. No person shall, for himself, or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel, in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of, as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person who sues for the forfeiture, and prosecutes the same to effect. [See § 5375, under PIRACY, and § 5382.]

Penalty on persons building, equipping, &c.

SEC. 5552. Every person so building, fitting out, equipping, loading, or otherwise preparing or sending away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the preceding section, or any ways aiding or abetting therein, shall, besides the forfeiture of the vessel, pay the sum of two thousand dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect. [See § 5378.]

* Section 1990 abolishes peonage in the States and Territories.

Forfeiture of vessel transporting slaves.

SEC. 5553. Every vessel employed in carrying on the slave-trade, or on which is received or transported any negro, mulatto, or person of color, from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the United States, and the other to the use of the person who sues for and prosecutes the forfeiture to effect. [See §§ 5378, 5379.]

Penalty for receiving persons on board to be sold as slaves.

SEC. 5554. If any citizen of the United States takes on board, receives, or transports any negro, mulatto, or person of color, for the purpose of selling such person as a slave, he shall, in addition to the forfeiture of the vessel, pay for each person, so received on board or transported, the sum of two hundred dollars, to be recovered in any court of the United States; the one moiety thereof to the use of the United States, and the other moiety to the use of the person who sues for and prosecutes the same to effect. [See §§ 5379, 5524, 5626.]

Forfeiture of vessel found hovering on coasts of United States, &c.

SEC. 5555. Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, and having on board any negro, mulatto, or person of color, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States. [See § 5380.]

Forfeiture of interest in vessels transporting slaves.

SEC. 5556. It shall be unlawful for any citizen of the United States, or other person residing within them, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same; and every person transgressing the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves, which at any time may be transported or carried in such vessel.

Seizure of vessels engaged in the slave-trade.

SEC. 5557. The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave-trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any negro, mulatto, or person of color, in violation of the provisions of any act of Congress prohibiting the traffic in slaves. [See § 2163, IMMIGRATION.]

Proceeds of condemned vessels, how distributed.

SEC. 5558. The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who seize, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States or revenue cutter thereof; and the same shall be distributed as is provided by law for the distribution of prizes taken from an enemy.

Disposal of persons found on board seized vessels.

SEC. 5559. The officers and men, to be entitled to one-half of the proceeds mentioned in the last section, shall safely keep every negro, mulatto, or person of color, found on board of any vessel so seized, taken, or brought into port, for condemnation, and shall deliver every such negro, mulatto, or person of color, to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law; transmitting to the President, as soon as may be after such delivery, a descriptive list of such negroes, mulattoes, or persons of color, in order that he may give directions for the disposal of them.

Apprehension of officers and crew.

SEC. 5560. The commanders of such commissioned vessels shall cause to be apprehended, and taken into custody, every person found on board

of such offending vessel, so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law. [See §§ 5381, 5382.]

Removal of persons delivered from seized vessels.

SEC. 5561. The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be delivered and brought within their jurisdiction; and to appoint a proper person residing upon the coast of Africa as agent, for receiving the negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of United States armed vessels.

Bounty.

SEC. 5562. A bounty of twenty-five dollars shall be paid to the officers and crews of the commissioned vessels of the United States, or revenue-cutters, for each negro, mulatto, or person of color, who may be, as hereinbefore provided, delivered to the marshal or agent duly appointed to receive such person; and the Secretary of the Treasury is required to pay, or cause to be paid, to such officers and crews, or their agent, such bounty for each person so delivered.

To what port captured vessels sent.

SEC. 5563. It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some of the ports of the State or Territory to which such vessel so captured may belong, if he can ascertain the same; if not, then to be sent into any convenient port of the United States.

When owners of foreign vessels shall give bond.

SEC. 5564. Every owner, master, or factor of any foreign vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave-trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board such vessel, to be transported or sold as slaves in any other foreign port or place whatever, within nine months thereafter.

Distribution of penalties.

SEC. 5565. The forfeitures which may hereafter be incurred under any of the preceding provisions, and which are not otherwise expressly disposed of, shall accrue and be one moiety thereof to the use of the informer, and the other moiety to the use of the United States, except where the prosecution is first instituted on behalf of the United States, in which case the whole shall be to their use.

Contracts for reception in Africa of persons delivered from seized vessels.

SEC. 5566. It may be lawful for the President to enter into contract with any person, society, or body-corporate, for a term not exceeding five years, to receive from the United States, through their duly constituted agent upon the coast of Africa, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of the United States armed vessels, and to provide such negroes, mulattoes, and persons of color with comfortable clothing, shelter, and provisions, for a period not exceeding one year from the date of their being landed on the coast of Africa, at a price in no case to exceed one hundred dollars for each person so clothed, sheltered, and provided with food; and any contract so made may be renewed by the President from time to time as found necessary, for periods not to exceed five years on each renewal.

Instructions to commanders of armed vessels.

SEC. 5567. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the coast of Africa, and there hand over to the agent of the United States all negroes, mulattoes, and persons of color delivered from on board vessels seized in the prosecution of the slave-trade; and they shall afterward bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication.

Contracts for reception, &c., in West Indies, of persons delivered from seized vessels.

SEC. 5568. It may be lawful for the President to enter into arrangement, by contract or otherwise, with one or more foreign governments having possessions in the West Indies or other tropical regions, or with their duly constituted agent, to receive from the United States, for a term not exceeding five years, at such place as may be agreed upon, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of United States armed vessels, and to provide them with suitable instruction, and with

comfortable clothing and shelter, and to employ them, at wages, under such regulations as may be agreed upon, for a period not exceeding five years from the date of their being landed at the place agreed upon. But the United States shall incur no expenses on account of such negroes, mulattoes, or persons of color, after having landed them at the place agreed upon. And any arrangement so made may be renewed by the President from time to time, as may be found necessary, for periods not exceeding five years on each renewal.

Instructions to commanders of armed vessels.

SEC. 5569. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such regulations as he may prescribe, to proceed directly to such place as shall have been agreed upon with any foreign government, or its duly constituted agent, under the provisions of the preceding section, and there deliver to the duly constituted authorities or agents of such foreign government all negroes, mulattoes, or persons of color, taken from on board vessels seized in the prosecution of the slave-trade; and they shall afterward bring the vessel and persons engaged in prosecuting such trade to the United States for trial and adjudication. [See §§ 2158–2164, IMMIGRATION.]

SMITHSONIAN INSTITUTION.

Sec.
5579. Incorporation of the Institution.
5580. Regents.
5581. Appointment of regents.
5582. Organization of board.
5583. Duties of Secretary.
5586. Reception and arrangement of specimens and objects of art.

Title 73.

Will of James Smithson.

PREAMBLE. James Smithson, esquire, of London, in the kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found, at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor,

Incorporation of the Institution.

SEC. 5579. The President, the Vice-President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Attorney-General, the Chief Justice, the Commissioner of the Patent-Office, and the governor of the District of Columbia, and such other persons as they may elect honorary members, are hereby constituted an establishment, by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions hereinafter contained, and no other.

Regents.

SEC. 5580. The business of the institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice-President, the Chief Justice of the United States, and the governor of the District of Columbia, three members of the Senate and three members of the House of Representatives; together with six other persons, other than members of Congress, two of whom shall be resident in the city of Washington; and the other four shall be inhabitants of some State, but no two of them of the same State.

Appointment of regents.

SEC. 5581. The regents to be selected shall be appointed as follows: The members of the Senate by the President thereof; the members of the House by the Speaker thereof; and the six other persons by joint resolution of the Senate and House of Representatives. The members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other six members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress.

Organization of board.

SEC. 5582. The regents shall meet in the city of Washington and elect one of their number as chancellor, who shall be the presiding officer of the Board of Regents, and called the chancellor of the Smithsonian Institution, and a suitable person as Secretary of the institution, who shall also be the secretary of the Board of Regents. The board shall also elect three of their own body as an executive committee, and the regents shall fix on the time for the regular meetings of the board; and, on application of any three of the regents to the Secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, five shall constitute a quorum to do business. Each member of the board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the Secretary of the board; but his service as regent shall be gratuitous.

Duties of Secretary.

SEC. 5583. The Secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the institution; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants.

Reception and arrangement of specimens and objects of art.

SEC. 5586. Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging to the United States, which may be in the city of Washington, in whosesoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the museum of the institution, by exchanges of duplicate specimens, which the regents may in their discretion make, or by donation, which they may receive, or otherwise, the regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the Institution.

SUPPLIES.

See CONTRACTS.

STATE DEPARTMENT.

See DEPARTMENT OF STATE.

STATIONERY.

See CONTRACTS.

STORE-KEEPERS.

See under CIVIL ENGINEERS.

SUPREME COURT, &c.

See JUDICIARY.

SURGEONS AND ASSISTANT SURGEONS.

See MEDICAL CORPS.

TELEGRAPHS.

Sec.
5263. Use of public domain, &c.
5264. Use of materials from public lands.
5265. These rights not transferable.
5266. Government to have priority in transmission of messages.
5267. Government entitled to purchase lines.
5268. Acceptance of obligation to be filed.
5269. Penalty for refusal to transmit dispatches.
— Departmental telegraph.

Title 65.

Use of public domain, &c.

SEC. 5263. Any telegraph company now organized, or which may hereafter be organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along

any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads.

Use of materials from public lands.

SEC. 5264. Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other.

These rights not transferable.

SEC. 5265. The rights and privileges granted under the provisions of the act of July twenty-four, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, shall not be transferred by any company acting thereunder to any other corporation, association, or person.

Government to have priority in transmission of messages.

SEC. 5266. Telegrams between the several Departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster-General shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section.

Government entitled to purchase lines.

SEC. 5267. The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of the act of July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

Acceptance of obligation to be filed.

SEC. 5268. Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by law.

Penalty for refusal to transmit dispatches.

SEC. 5269. Whenever any telegraph company, after having filed its written acceptance with the Postmaster-General of the restrictions and obligations required by the act approved July tweny-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or by this Title, shall, by its agents or employés, refuse or neglect to transmit any such telegraphic communications as are provided for by the aforesaid act, or by this Title, or by the provisions of section two hundred and twenty-one, Title "THE DEPARTMENT OF WAR," authorizing the Secretary of War to provide for taking meteorological observations at the military stations and other points of the interior of the continent, and for giving notice on the northern lakes and sea-board of the approach and force of storms, such telegraph company shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars for each such refusal or neglect.

An act in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government.

Feb. 4, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lines of telegraph, connecting the Capitol with the various Departments in Washington, constructed under and by virtue of the act of Congress approved March third, eighteen hundred and seventy-three, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending

June thirtieth, eighteen hundred and seventy-four, and for other purposes," be, and the same are hereby, placed under the supervision of the officer in charge of the public buildings and grounds; and that the said officer be authorized and empowered to make rules and regulations for the working of said lines. And the Secretary or Head of each Executive Department, and the Congressional Printer, are hereby authorized to detail one person from their present force of employees to operate the instruments in said Departments and printing office, and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding one hundred dollars per month, during the sessions of Congress.

Approved, February 4, 1874.

[From an act making an appropriation to pay the operators of the Government telegraph connecting the Departments with the two houses of Congress.]

March 7, 1874.

Provided, That said lines of telegraph shall be for the use only of Senators, Members of Congress, Judges of the United States courts, and officers of Congress and of the Executive Departments, and solely on public business.

Approved, March 7, 1874.

TENURE OF OFFICE.

See VACANCIES IN THE DEPARTMENTS.

TRAVELING EXPENSES.

Sec.
1566. Mileage; baggage.
—— Traveling expenses.
Sec.
—— Settlement of accounts for travel.

Title 15, Chap. 8.

Mileage.

SEC. 1566. An allowance of ten cents a mile may be made to officers in the naval service, and store-keepers on foreign stations for traveling expenses when under orders. And an allowance may be made to officers traveling in foreign countries under orders, for expenses of transportation of baggage necessarily incurred. And no officer shall be paid mileage, except for travel actually performed at his own expense and in obedience to orders. [See acts *infra*.]

An act making appropriation for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

June 6, 1874.

Traveling expenses.

* * * *Provided*, That only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, and all allowances for mileages and transportation in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision. * * *

Approved June 16, 1874.

An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

Jan. 18, 1875.

Proviso.

* * * *Provided*, That no allowance shall be made in the settlement of any account for traveling expenses unless the same be incurred on the order of the Secretary of the Navy, or the allowance be approved by him.

Approved January 18, 1875.

TREASON AND SEDITION.

See also INSURRECTION—CONSPIRACY.

Sec.
1033. Copy of indictment, &c., to be furnished.
1034. Entitled to counsel.
2111. Sending seditious messages; penalty.
2112. Carrying seditious messages; penalty.
2113. Correspondence with foreign nations to excite Indians to war; penalty.
5331. Treason.
5332. Punishment of treason.
5333. Misprision of treason.
Sec.
5334. Inciting or engaging in rebellion or insurrection.
5335. Criminal correspondence with foreign governments.
5336. Seditious conspiracy.
5337. Recruiting soldiers or sailors to serve against the United States.
5338. Enlistment to serve against the United States.

Title 13, Chap. 18.

Copy of indictment and list of jurors and wit-

SEC. 1033. When any person is indicted of treason, a copy of the indictment and a list of the jury, and of the witnesses to be produced on the trial for proving the indictment, stating the place of abode of each juror and witness, shall be delivered to him at least three entire

nesses to be delivered to prisoner in capital cases.

days before he is tried for the same. When any person is indicted of any other capital offense, such copy of the indictment and list of the jurors and witnesses shall be delivered to him at least two entire days before the trial.

Persons indicted for capital crimes entitled to counsel and to compel witnesses.

SEC. 1034. Every person who is indicted of treason, or other capital crime, shall be allowed to make his full defense by counsel learned in the law; and the court before which he is tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, and they shall have free access to him at all seasonable hours. He shall be allowed, in his defense, to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution.

Title 28, Chap. 3.

Sending seditious messages; penalty.

SEC. 2111. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of two thousand dollars.

Carrying seditious messages; penalty.

SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

Correspondence with foreign nations, to excite Indians to war; penalty.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars. [See § 5335.]

Title 70, Chap. 2.

Treason.

SEC. 5331. Every person owing allegiance to the United States who levies war against them, or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

Punishment of treason.

SEC. 5332. Every person guilty of treason shall suffer death; or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years, and fined not less than ten thousand dollars, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

Misprision of treason.

SEC. 5333. Every person, owing allegiance to the United States and having knowledge of the commission of any treason against them, who conceals, and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor, or to some judge or justice of a particular State, is guilty of misprision of treason, and shall be imprisoned not more than seven years, and fined not more than one thousand dollars.

Inciting or engaging in rebellion or insurrection.

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than ten years, or by a fine of not more than ten thousand dollars, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States. [See §§ 5297–5322, INSURRECTION.]

Criminal correspondence with foreign governments.

SEC. 5335. Every citizen of the United States, whether actually resident or abiding within the same, or in any foreign country, who, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a

citizen of, or resident within, the United States, and not duly authorized, who counsels, advises, or assists in any such correspondence, with such intent, shall be punished by a fine of not more than five thousand dollars, and by imprisonment during a term not less than six months, nor more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government, or any of its agents or subjects. [See § 1738 DIPLOMATIC OFFICERS, and § 2113.]

Seditious conspiracy.

SEC. 5336. If two or more persons in any State or Territory conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States contrary to the authority thereof; each of them shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars; or by imprisonment, with or without hard labor, for a period not less than six months, nor more than six years, or by both such fine and imprisonment. [See § 5518, INSURRECTION.]

Recruiting soldiers or sailors to serve against the United States.

SEC. 5337. Every person who recruits soldiers or sailors within the United States to engage in armed hostility against the same, or who opens within the United States a recruiting station for the enlisment of such soldiers or sailors, to serve in any manner in armed hostility against the United States, shall be fined not less than two hundred dollars, nor more than one thousand dollars, and imprisoned not less than one year, nor more than five years.

Enlistment to serve against the United States.

SEC. 5338. Every soldier or sailor enlisted or engaged within the United States, with intent to serve in armed hostility against the same, shall be punished by a fine of one hundred dollars, and by imprisonment not less than one year, nor more than three years.

TREASURER, TREASURY, &c.

Sec.
301. Treasurer.
302. Bond of Treasurer.
303. Assistant Treasurer.
304. When Assistant Treasurer may act as Treasurer.
305. Duties of Treasurer.
310. Reports of Treasurer, assistant treasurers, &c., and disbursing officers.
3591. The Treasury of the United States.
3592. Certain mints and assay-offices to be depositories.
3593. Public moneys subject to draft of Treasurer.
3595. Assistant treasurers at other places than Washington.
5153. National banks as depositories.

Title 7, Chap. 5.

Treasurer.

SEC. 301. There shall be in the Department of the Treasury a Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand five hundred dollars a year.

SEC. 302. The Treasurer shall, before entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and by the First Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the First Comptroller.

Assistant Treasurer.

SEC. 303. There shall be in the Department of the Treasury an Assistant Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand eight hundred dollars a year.*

When Assistant Treasurer may act as Treasurer.

SEC. 304. The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the Assistant Treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States.

Duties of the Treasurer.

SEC. 305. The Treasurer shall receive and keep the moneys of the United States, and disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by either Comptroller, and recorded by the Register, and not otherwise. He shall take receipts for all moneys paid by him, and shall give receipts for all moneys received by him; and all receipts for moneys received by him shall be indorsed upon warrants signed by the Secretary of the Treasury, without which

* Now three thousand eight hundred dollars.

warrant, so signed, no acknowledgment for money received into the public Treasury shall be valid. He shall render his accounts to the First Comptroller quarterly, or oftener if required, and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall at all times submit to the Secretary of the Treasury and the First Comptroller, or either of them, the inspection of the moneys in his hands.

Reports of Treasurer, assistant treasurers, &c., and disbursing officers.

SEC. 310. The Treasurer, each assistant treasurer, and each designated depositary of the United States, and the cashier of each of the national banks designated as such depositaries, shall, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as in the preceding section specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. And each disbursing officer shall make a like return of all checks issued by him, and which may then have been outstanding and unpaid for three years and more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, number, and amount for which it was drawn, and, when known, the residence of the payee.

Title 40.

The Treasury of the United States.

SEC. 3591. The rooms provided in the Treasury building at the seat of Government for the use of the Treasurer of the United States, his assistants, and clerks, and occupied by them, and the fire-proof vaults and safes erected therein for the keeping of the public moneys in the possession and under the immediate control of the Treasurer, and such other apartments as are provided as places of deposit of the public money, shall be the Treasury of the United States.

Certain mints and assay-offices to be depositories.

SEC. 3592. The mints at Carson City, and at Denver, and the assay-office at Boisé City, shall be places of deposit for such public moneys as the Secretary of the Treasury may direct.

Public moneys subject to draft of the Treasurer.

SEC. 3593. All public moneys paid into any depository shall be subject to the draft of the Treasurer of the United States, drawn agreeably to appropriations made by law.

Appointment, &c., of assistant treasurers.

SEC. 3595. There shall be assistant treasurers of the United States, appointed from time to time by the President, by and with the advice and consent of the Senate, to serve for the term of four years, as follows:

One at Boston.
One at New York.
One at Philadelphia.
One at Baltimore.
One at Charleston.
One at New Orleans.
One at Saint Louis.
One at San Francisco.
One at Cincinnati.
One at Chicago.

Title 62, Chap. I.

Duties and liabilities when designated as depositaries of public moneys.

SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks. [See § 5489, EMBEZZLEMENT.]

VACANCIES IN THE DEPARTMENTS, &c.

Sec.
177. Vacancies, how temporarily filled.
178. Vacancies in subordinate offices.
179. Discretionary authority of the President.
180. Temporary appointments limited to ten days.
181. Restriction on temporary appointments.
182. Extra compensation disallowed.
1760. Unauthorized office, no salary for.
1761. Appointees to fill vacancies during recess of Senate.
1762. Salaries to officers improperly holding over.
1767. Tenure of office.
1768. Suspension and filling vacancies.
1769. Filling vacancies temporarily.
1770. Term of office not to be extended.
1771. Accepting or exercising office contrary to law.
1772. Removing, appointing, or commissioning officer contrary to law.
1773. Commissions.
1774. Notification of appointments to Secretary of Treasury.
1775. Notification of nominations, rejections, &c., to Secretary of Treasury.
1776. Removal of office.
1786. Proceedings against persons illegally holding office.
1787. Penalty for illegally holding office.

Title 4.

Vacancies, how temporarily filled.

SEC. 177. In case of the death, resignation, absence, or sickness of the head of any Department, the first or sole assistant thereof shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such head until a successor is appointed, or such absence or sickness shall cease.

Vacancies in subordinate offices.

SEC. 178. In case of the death, resignation, absence, or sickness of the chief of any Bureau, or of any officer thereof, whose appointment is not vested in the head of the Department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such Bureau, shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease.

Discretionary authority of the President.

SEC. 179. In any of the cases mentioned in the two preceding sections, except the death, resignation, absence, or sickness of the Attorney-General, the President may, in his discretion, authorize and direct the head of any other Department or any other officer in either Department whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease.

Temporary appointments limited to ten days.

SEC. 180. A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than ten days.

Restriction on temporary appointments.

SEC. 181. No temporary appointment, designation, or assignment of one officer to perform the duties of another, in the cases covered by sections one hundred and seventy-seven and one hundred and seventy-eight, shall be made otherwise than as provided by those sections, except to fill a vacancy happening during a recess of the Senate.

Extra compensation disallowed.

SEC. 182. An officer performing the duties of another office, during a vacancy, as authorized by sections one hundred and seventy-seven, one hundred and seventy-eight, and one hundred and seventy-nine, is not by reason thereof entitled to any other compensation than that attached to his proper office.

Title 19.

Unauthorized office, no salary for.

SEC. 1760. No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law.

No salaries to certain appointees to fill vacancies during recess of Senate.

SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

Salaries to officers improperly holding over.

SEC. 1762. No money shall be paid or received from the Treasury, or paid or received from or retained out of any public moneys or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to sections seventeen hundred and sixty-seven to seventeen hundred and seventy, inclusive; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or

in respect to such office, or the exercising or performing the functions or duties thereof. Every person who violates any of the provisions of this section shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than ten years, or fined not more than ten thousand dollars, or both.

Tenure of office.

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.*

Suspension and filling vacancies.

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

Filling vacancies temporarily.

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

Term of office not to be extended.

SEC. 1770. Nothing in sections seventeen hundred and sixty-seven, seventeen hundred and sixty-eight, or seventeen hundred and sixty-nine shall be construed to extend the term of any office the duration of which is limited by law.

Accepting or exercising office contrary to law.

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

Removing, appointing, or commissioning officer contrary to law.

SEC. 1772. Every removal, appointment, or employment, made, had, or exercised, contrary to sections seventeen hundred and sixty-seven, to seventeen hundred and seventy, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

Commissions.

SEC. 1773. The President is authorized to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointments have been advised and consented to by the Senate.

Notification of appointments to Secretary of Treasury.

SEC. 1774. Whenever the President, without the advice and consent of the Senate, designates, authorizes, or employs any person to perform the duties of any office, he shall forthwith notify the Secretary of the

* See sec. 5597, under head of REVISED STATUTES REPEAL PROVISIONS.

Treasury thereof, and the Secretary of the Treasury shall thereupon communicate such notice to all the proper accounting and disbursing officers of his Department.

Notification of nominations, rejections, &c., to Secretary of Treasury.

SEC. 1775. The Secretary of the Senate shall, at the close of each session thereof, deliver to the Secretary of the Treasury, and to each of the Assistant Secretaries of the Treasury, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all the persons who have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations have been made and not confirmed and filled at such session.

Removal of office.

SEC. 1776. Whenever any public office is removed by reason of sickness which may prevail in the town or city where it is located, a particular account of the cost of such removal shall be laid before Congress. [See §§ 4797–4799, QUARANTINE.]

Proceedings against persons illegally holding office.

SEC. 1786. Whenever any person holds office, except as a member of Congress or of some State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution, the district attorney for the district in which such person holds office shall proceed against him by writ of quo warranto, returnable to the circuit or district court of the United States in such district, and prosecute the same to the removal of such person from office.

Penalty for illegally holding office.

SEC. 1787. Every person who knowingly accepts or holds any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendment of the Constitution, or who attempts to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than one year, or fined not more than one thousand dollars, or both.

VESSELS OF THE MERCHANT SERVICE—TONNAGE, &c.

Sec.
4131. What are vessels of the United States. By whom may be commanded.
4132. What vessels are entitled to register.
4133. Vessels owned by non-resident citizens.
4134. Vessels owned by non-resident naturalized citizens.
4135. American vessel taking foreign flag.
4136. Wrecked vessels.
4137. Vessels owned by corporations.
4138. New registry upon death, &c., of officer of corporation.
4141. Vessels, where registered.
4150. Mode of measurement.
4151. No measurement of cabins or state-rooms for tonnage.
4152. Rules of measurement limited to what vessels.
4153. Tonnage.
4155. Form of register.
4156. Variations from form.
4172. Failure to report sale to foreigner.
4177. Numbers for vessels.
4178. Names of vessels to be painted on stern.
4179. Change of name of registered vessel.

Sec.
4189. Penalty for fraudulent registry.
4190. Sea-letters, to what vessels issued.
4191. Making or using forged sea-letters.
4201. Form of clearance.
4203. Conveyance of the mails.
4204. Conveyance of bullion, &c.
4207. Rates of consular fees.
4238. Vessels stranded on foreign coast.
4306. Passports of United States vessels on departure to foreign country.
4307. Penalty for departing without passport.
4308. Passports of unregistered vessels.
4309. Deposit of ship's papers with consul.
4310. Penalty for failure to deposit papers with consul.
4573. } List of crew to be delivered to collector.
4574. }
4575. Rules as to crew list.
5358. Plundering wrecked vessels, &c.
5364. Conspiracy to cast away vessel.
5365. Owner destroying vessel at sea.
5366. Other person destroying vessel at sea.
5367. Attempt to destroy vessel at sea.
5423. Penalty for making false passports.

What are vessels of the United States.

SEC. 4131. Vessels registered pursuant to law, and no others, except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they shall not enjoy the same longer than they shall continue to be wholly owned by citizens and to be commanded by a citizen of the United States. And officers of vessels of the United States shall in all cases be citizens of the United States.

By whom may be commanded.

What vessels are entitled to register.

SEC. 4132. Vessels built within the United States, and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States, and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by citizens, and no others, may be registered as directed in this Title.

Vessels owned by non-resident citizens.

SEC. 4133. No vessel shall be entitled to be registered, or, if registered, to the benefits of registry, if owned in whole or in part by any citizen of the United States who usually resides in a foreign country, during the continuance of such residence, unless such citizen be a con-

sul of the United States, or an agent for and a partner in some house of trade or copartnership, consisting of citizens of the United States actually carrying on trade within the United States.

Vessels owned by non-resident naturalized citizens.

SEC. 4134. No vessel shall be entitled to be registered as a vessel of the United States, or, if registered, to the benefits of registry, if owned in whole or in part by any person naturalized in the United States, and residing for more than one year in the country from which he originated, or for more than two years in any foreign country, unless such person be a consul or other public agent of the United States. Nothing contained in this section shall be construed to prevent the registering anew of any vessel before registered, in case of a sale thereof in good faith to any citizen resident in the United States; but satisfactory proof of the citizenship of the person on whose account a vessel may be purchased shall be exhibited to the collector, before a new register shall be granted for such vessel.

American vessel taking foreign flag.

SEC. 4135. No vessel which has been recorded or registered as an American vessel of the United States, pursuant to law, and which was licensed or otherwise authorized to sail under a foreign flag, and to have the protection of any foreign government during the existence of the rebellion, shall be deemed or registered as a vessel of the United States, or shall have the rights and privileges of vessels of the United States, except under provisions of law especially authorizing such registry.

Wrecked vessels.

SEC. 4136. The Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

Vessels owned by corporations.

SEC. 4137. Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company.

New registry upon death, &c., of officer of corporation.

SEC. 4138. Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

Vessels, where registered.

SEC. 4141. Every vessel, except as is hereinafter provided, shall be registered by the collector of that collection-district which includes the port to which such vessel shall belong at the time of her registry; which port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such vessel, usually resides.

Mode of measurement.

SEC. 4150. The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern-post of screw-steamers, and to the after part of the rudder-post of all other vessels measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold, (average thickness,) shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

No measurement of cabins or state-rooms for tonnage.

SEC. 4151. No part of any vessel shall be required by the preceding section to be measured or registered for tonnage that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

Rules of measurement limited to what vessels.

SEC. 4152. The provisions foregoing relating to the measurement of vessels shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, unless otherwise specially provided.

Tonnage.

SEC. 4153. The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire in-

ternal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: * * * [See act of May 6, 1864.]

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary-line of measurement, and the depth shall be taken from an athwart-ship line, extending from the upper edge of such strake at each division of the length.

The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks, above the tonnage-deck; also that of the poop or other inclosed spaces above the deck, each separately. In every registered United States vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued, such vessel shall no longer be recognized as a registered vessel of the United States.

[Sec. 4154 relates to the measurement of foreign vessels.]

Form of register.

SEC. 4155. When the several matters hereinbefore required, in order to the registering of any vessel, have been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as nearly as may be, in the form following:

In pursuance of chapter one, Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION," of the Revised Statutes of the United States, (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head); and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid) having agreed to the description and measurement above specified, and sufficient security having been given, according to law, the said vessel has been duly registered at the port of (naming the port where registered). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length.)

Variation from form.

SEC. 4156. When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. Where a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement.

Failure to report sale to foreigners.

SEC. 4172. If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury before whom the trial for such forfeiture is had, that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited.

Numbers for vessels.

SEC. 4177. The Secretary of the Treasury shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States.

Names of vessels to be painted on stern.

SEC. 4178. The name of every registered vessel, and of the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length.* If any vessel of the United States shall be found without having her name and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of fifty dollars; recoverable one-half to the person giving the information thereof; the other half to the use of the United States.

Change of name of registered vessel.

SEC. 4179. No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance to deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel.

Penalty for fraudulent registry.

SEC. 4189. Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained or used for any vessel not entitled to the benefit thereof, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture.

Sea-letters, to what vessels issued.

SEC. 4190. No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents.

Making or using forged sea-letter, &c.

SEC. 4191. Every person who knowingly makes, utters, or publishes any false sea-letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea-letter, or certificate of registry, shall be liable to a penalty of not more than five thousand dollars, and, if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States.

Title 48, Chap. 2.

Form of clearance.

SEC. 4201. The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

District of , ss,

Port of :

These are to certify all whom it doth concern, that , master or commander of the , burden tons, or thereabouts, mounted with guns, navigated with men, built, and bound for , having on board , hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of , this day of , one thousand , and in the year of the Independence of the United States of America.

Conveyance of the mails.

SEC. 4203. All vessels belonging to the citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law. [See § 3976, POSTAGE.]

Conveyance of bullion, coin, &c., for the United States.

SEC. 4204. All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the

* The name of any vessel may be painted on her stern in yellow or gilt letters. [June 23, 1874.]

same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

Copy of rates of consular fees to be annexed to clearance.

SEC. 4207. Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs of fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services. [See § 1723, under DIPLOMATIC AND CONSULAR OFFICERS.]

Title 48, Chap. 5.

Vessels stranded on foreign coasts.

SEC. 4238. Consuls and vice-consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice-consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

Title 49.

Passports of United States vessels on departure to foreign country.

SEC. 4306. Every vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such vessel may be, with a passport, the form for which shall be prescribed by the Secretary of State. In order to be entitled to such passport, the master of every such vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that, in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

Penalty for departure without passport.

SEC. 4307. If any vessel of the United States shall depart therefrom, and shall be bound to any foreign country, other than to some port in America, without such passport, the master of such vessel shall be liable to a penalty of two hundred dollars for every such offense.

Passports of unregistered vessels.

SEC. 4308. Every unregistered vessel owned by a citizen of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be with a passport, for which the master shall be subject to the rules and conditions prescribed for vessels of the United States.

Deposit of ship's papers with consul.

SEC. 4309. Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea-letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at such port; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers. [See § 1718, DIPLOMATIC OFFICERS.]

Penalty for failure to deposit papers with consul.

SEC. 4310. Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of five hundred dollars, to be recovered by such consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction.

Title 53, Chap. 5.

List of crew to be delivered to collector.

SEC. 4573. Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale-fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places

of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents.

SEC. 4574. In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title.

Rules as to list of crew.

SEC. 4575. The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the shipping-commissioner, or officer acting as such in the district from which the clearance is made, a true and certified copy of the shipping-articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding-officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the United States attorney in his district.

Title 70, Chap. 3.

Plundering wrecked vessels, &c.

SEC. 5358. Every person who plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States; and every person who willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; and every person who holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel, sailing upon the sea, into danger, or distress, or shipwreck, shall be punished by a fine of not more than five thousand dollars, and imprisoned at hard labor not more than ten years.

Conspiracy to cast away vessel.

SEC. 5364. Every person who, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with

intent to injure any person that may have underwritten or may thereafterward underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; and every person who, within the United States, builds, or fits out, or aids in building and fitting out, any vessel with intent that the same be cast away or destroyed with the intent hereinbefore mentioned, shall be punished by a fine of not more than ten thousand dollars, and by imprisonment at hard labor not more than ten years.

Owner destroying vessel at sea.

SEC. 5365. Every person who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall suffer death. [See § 5323, PIRACY.]

Other persons destroying vessel at sea.

SEC. 5366. Every person, not being an owner, who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel to which he belongs, being the property of any citizen, shall suffer death. [See § 5323, PIRACY.]

Attempt to destroy vessel at sea.

SEC. 5367. Every person, not being an owner, who, on the high seas, willfully, with intent to destroy the same, sets fire to any vessel, or otherwise attempts the destruction thereof, being the property of any citizen, shall suffer imprisonment at hard labor for a term not more than ten years nor less than three years.

Title 70, Chap. 5.

Forging or altering ship's papers or custom-house documents.

SEC. 5423. If any person falsely makes, forges, counterfeits, or alters any instrument in imitation of, or purporting to be, an abstract or official copy, or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel, for carrying on the coasting trade, or fisheries of the United States, or a certificate of ownership, pass, passport, sea-letter, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document, granted by any collector or other officer of the customs, by virtue of his office; or passes, utters, or publishes, or attempts to pass, utter, or publish, as true, any such false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, passport, sea-letter, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud, he shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than three years. [See § 4191.]

VESSELS OF THE NAVY.

Sec.
1428. Officers of vessels to be citizens of the United States.
1437. Officers to inspect vessels under War Department.
1529. Four classes; their commanders.
1530. How rated.
1531. Rule for naming.
1532. Two vessels not to bear the same name.
1533. Names of purchased vessels.
1534. Vessels kept in service in time of peace.
1535. How officered and manned.
1536. Cruising to assist distressed navigators.
1537. Patented articles connected with marine engines.
1538. Repairs on hull and spars.
1539. Repairs on sails and rigging.
1540. Sale of vessels unfit to be repaired.
1541. Sale of unserviceable vessels and materials.

Title 15, Chap. 2.

Officers to be citizens of United States.

SEC. 1428. The officers of vessels of the United States shall in all cases be citizens of the United States.

Officers for service of War Department.

SEC. 1437. The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War.

Title 15, Chap. 6.

Four classes; their commanders.

SEC. 1529. The vessels of the Navy of the United States shall be divided into four classes, and shall be commanded as nearly as may be as follows:

First rates, by commodores; second rates, by captains; third rates, by commanders; fourth rates, by lieutenant-commanders.

How rated.

SEC. 1530. Steamships of forty guns or more shall be classed as first rates, those of twenty guns and under forty as second rates, and all those of less than twenty guns as third rates.

Rule for naming

SEC. 1531. The vessels of the Navy shall be named by the Secretary of the Navy, under the direction of the President, according to the following rule:

Sailing-vessels of the first class shall be named after the States of the Union, those of the second class after the rivers, those of the third class after the principal cities and towns, and those of the fourth class as the President may direct.

Steamships of the first class shall be named after the States of the Union, those of the second class after the rivers and principal cities and towns, and those of the third class as the President may direct.

Two vessels not to bear the same name.

SEC. 1532. Care shall be taken that not more than one vessel in the Navy shall bear the same name.

Names of purchased vessels.

SEC. 1533. The Secretary of the Navy may change the names of any vessels purchased for the Navy by authority of law.

Vessels kept in service in time of peace.

SEC. 1534. The President is authorized to keep in actual service in time of peace, such of the public armed vessels as, in his opinion, may be required by the nature of the service, and to cause the residue thereof to be laid up in ordinary in convenient ports.

How officered and manned.

SEC. 1535. Vessels in actual service, in time of peace, shall be officered and manned as the President may direct, subject to the provisions of section fifteen hundred and twenty-nine.

Cruising to assist distressed navigators.

SEC. 1536. The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require; and such public vessels shall go to sea fully prepared to render such assistance.

Patented articles connected with marine engines.

SEC. 1537. No patented article connected with marine engines shall hereafter be purchased or used in connection with any steam-vessels of war until the same shall have been submitted to a competent board of naval engineers, and recommended by such board, in writing, for purchase and use.

Repairs on hull and spars.

SEC. 1538. Not more than three thousand dollars shall be expended at any navy-yard in repairing the hull and spars of any vessel, until the necessity and expediency of such repairs and the probable cost thereof are ascertained and reported to the Navy Department by an examining board, which shall be composed of one captain or commander in the Navy, designated by the Secretary of the Navy, the naval constructor of the yard where such vessel may be ordered for repairs, and two master workmen of said yard, or one master workman and an engineer of the Navy, according to the nature of the repairs to be made. Said master workmen and engineer shall be designated by the head of the Bureau of Construction and Repair.

Repairs on sails and rigging.

SEC. 1539. Not more than one thousand dollars shall be expended in repairs on the sails and rigging of any vessel, until the necessity and expediency of such repairs and the estimated cost thereof have been ascertained and reported to the Navy Department by an examining board, which shall be composed of one naval officer, designated by the Secretary of the Navy, and the master rigger and the master sail-maker of the yard where such vessel may be ordered.

Sale of vessels unfit to be repaired.

SEC. 1540. The President may direct any armed vessel of the United States to be sold when, in his opinion, such vessel is so much out of repair that it will not be for the interest of the United States to repair her.

Sale of unserviceable vessels and materials.

SEC. 1541. The Secretary of the Navy is authorized and directed to sell, at public sale, such vessels and materials of the United States Navy as, in his judgment, cannot be advantageously used, repaired, or fitted out; and he shall, at the opening of each session of Congress, make a full report to Congress of all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts. [See §§3618, 3672, SALE OF OLD MATERIALS, also LOST VESSELS and ARSON OF VESSELS.]

VOLUNTEER NAVY.

Sec.
1411. Acting assistant surgeons.
1412. Credit for volunteer service.
1559. Pay of volunteer service.
1600. Credit to marine officers for volunteer service.

Title 15, Chap. 1.

Acting assistant surgeons.

SEC. 1411. The Secretary of the Navy may appoint, for temporary service, such acting assistant surgeons, as the exigencies of the service may require, who shall receive the compensation of assistant surgeons.

SEC. 1412. Officers who have been, or may be, transferred from the volunteer service to the Regular Navy shall be credited with the sea service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been, during such service, in the Regular Navy. Credit for volunteer sea-service.

SEC. 1559. When a volunteer naval service is authorized by law, the officers therein shall be entitled to receive the same pay as officers of the same grades, respectively, in the Regular Navy. Title 15, Chap. 8. Pay volunteer service.

SEC. 1600. All marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States. Title 15, Chap. 9. Marine officers to be credited for volunteer service.

WAR DEPARTMENT.

See DEPARTMENT OF WAR.

WARRANT OFFICERS.

Sec.
1405. Warrant officers, number and appointment of.
1406. Title.
1407. Promotion of seamen to warrant officers.
1438. As naval store-keepers.
1491. Rank.
1556. Pay.

SEC. 1405. The President may appoint for the vessels in actual service, as many boatswains, gunners, sailmakers, and carpenters as may, in his opinion, be necessary and proper. Title 15. Chap. 1. Warrant officers, number and appointment of.

SEC. 1406. Boatswains, gunners, carpenters, and sailmakers shall be known and shall be entered upon the Naval Register as "warrant officers in the naval service of the United States." Title.

SEC. 1407. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers, upon the recommendation of their commanding officer, approved by the flag-officer and Secretary of the Navy. And upon such recommendation they shall receive a gratuity of one hundred dollars and a medal of honor, to be prepared under the direction of the Navy Department. Promotion of seamen to warrant officers.

SEC. 1438. The Secretary of the Navy shall order a suitable commissioned or warrant officer of the Navy, except in the case provided in section fourteen hundred and fourteen, to take charge of the naval stores for foreign squadrons at each of the foreign stations where such stores may be deposited, and where a store-keeper may be necessary. [See §§ 1414 and 1439, under CIVIL ENGINEERS AND NAVAL STORE-KEEPERS.] Title 15, Chap. 2. Acting as store-keepers.

SEC. 1491. The President may, if he shall deem it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sailmakers, as follows: After five years' service, to rank with ensigns, and after ten years' service, to rank with masters. Title 15, Chap. 4. Rank.

SEC. 1556. Boatswains, gunners, carpenters, and sail-makers, during the first three years after date of appointment, when at sea, one thousand two hundred dollars; on shore duty, nine hundred dollars; on leave, or waiting orders, seven hundred dollars; during the second three years after such date, when at sea, one thousand three hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; during the third three years after such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, nine hundred dollars; during the fourth three years after such date, when at sea, one thousand six hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, one thousand dollars; after twelve years from such date, when at sea, one thousand eight hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars. Title 15, Chap. 8. Pay.

WITNESSES—WITNESSES' FEES.

Sec.
848. Witnesses' fees.
849. No officer of court to have witness fees.
850. Expenses of clerks, &c., of United States sent away as witnesses paid.
851. Seamen sent home as witnesses.
875. Letters rogatory from United States courts.
876. Subpœnas for witnesses to run into another district.
877. Witnesses, form of subpœna; attendance under.
878. Witnesses in behalf of indigent defendants in criminal cases.
879. Recognizance of witnesses.
880. Same.
881. Same.

Title 13, Chap. 16.

Witnesses' fees.

SEC. 848. For each day's attendance in court, or before any officer pursuant to law, one dollar and fifty cents, and five cents a mile for going from his place of residence to the place of trial or hearing, and five cents a mile for returning. When a witness is subpœnaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of one dollar a day. [See §§ 879, 881.]

No officer of court to have witness fees.

SEC. 849. No officer of the United States courts, in any State or Territory, or in the District of Columbia, shall be entitled to witness fees for attending before any court or commissioner where he is officiating.

Expenses of clerks, &c., of United States sent away as witnesses paid.

SEC. 850. When any clerk or other officer of the United States is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage, or other compensation in addition to his salary, shall in any case be allowed.

Seamen sent home as witnesses.

SEC. 851. There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, chargé d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding one dollar for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States.

When such seaman or person is transported in an armed vessel of the United States, no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case fifty cents a day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly.

Title 13, Chap. 17.

Letters rogatory from United States courts.

SEC. 875. When any commission or letter rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, is executed by the court or the commissioner to whom it is directed, it shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where it is executed. On receiving the same, the said minister or consul shall indorse thereon a certificate, stating when and where the same was received, and that the said deposition is in the same condition as when he received it; and he shall thereupon transmit the said letter or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. And the testimony of witnesses so taken and returned shall be read as evidence on the trial of the suit in which it was taken, without objection as to the method of returning the same. [See §§ 4071–4074, FOREIGN RELATIONS.]

Subpœnas for witnesses to run into another district.

SEC. 876. Subpœnas for witnesses who are required to attend a court of the United States, in any district, may run into any other district: *Provided*, That in civil causes the witnesses living out of the district in which the court is held do not live at a greater distance than one hundred miles from the place of holding the same.

Witnesses, form of subpœna; attendance under.

SEC. 877. Witnesses who are required to attend any term of a circuit or district court on the part of the United States, shall be subpœnaed to attend to testify generally on their behalf, and not to depart the court without leave thereof, or of the district attorney; and under such process they shall appear before the grand or petit jury, or both, as they may be required by the court or district attorney.

Witnesses in behalf of indigent defendants in criminal cases.

SEC. 878. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he cannot safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within one hundred miles of the place of trial; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpœnaed if found within the limits aforesaid. In such case the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpœnaed in behalf of the United States.

Recognizance of witnesses at the hearing of charges in criminal cases.

SEC. 879. Any judge or other officer who may be authorized to arrest and imprison or bail persons charged with any crime or offense against the United States may, at the hearing of any such charge, require of any witness produced against the prisoner, on pain of imprisonment, a recognizance, with or without sureties, in his discretion, for his appearance to testify in the case. And where the crime or offense is charged to have been committed on the high seas, or elsewhere within the admiralty and maritime jurisdiction of the United States, he may, in his discretion, require a like recognizance, with such sureties as he may deem necessary, of any witness produced in behalf of the accused, whose testimony in his opinion is important, and is in danger of being otherwise lost. [See § 848.]

[Sec. 880 relates to recognizance of witnesses in the State of Vermont.]

Recognizance of witnesses required at any time on application of district attorney.

SEC. 881. Any judge of the United States, on the application of a district attorney, and on being satisfied by proof that the testimony of any person is competent and will be necessary on the trial of any criminal proceeding in which the United States are parties or are interested, may compel such person to give recognizance, with or without sureties, at his discretion, to appear to testify therein; and, for that purpose, may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or other officer authorized to execute process in behalf of the United States, to arrest and bring before him such person. If the person so arrested neglects or refuses to give recognizance in the manner required, the judge may issue a warrant of commitment against him, and the officer shall convey him to the prison mentioned therein. And the said person shall remain in confinement until he is removed to the court for the purpose of giving his testimony, or until he gives the recognizance required by said judge. [See § 848.]

[See, also, CONGRESSIONAL INVESTIGATIONS, CLAIMS, COURT OF CLAIMS, COURTS-MARTIAL, FOREIGN RELATIONS, and PRIZE.]

YACHTS.

Sec.
4214. Pleasure-yachts.
4215. Signals of yachts.
4216. Yachts of foreign clubs.
4217. Commissions to yachts.
4218. Entry of yachts.

Title 48, Chap. 2.

Pleasure-yachts.

SEC. 4214. The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure-vessels, and designed as models of naval architecture, if entitled to be enrolled as American vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such license shall be in such form as the Secretary of the Treasury may prescribe. The owner of any such vessel, before taking out such license, shall give a bond, in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any unlawful trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels so enrolled and licensed shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this Title.

Signals of yachts.

SEC. 4215. All such licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts.

Yachts belonging to foreign yacht-clubs.

SEC. 4216. Yachts, belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof, or paying tonnage tax.

Commissions to yachts.

SEC. 4217. For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of the Treasury, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it.

Entry of yachts.

SEC. 4218. Every yacht visiting a foreign country under the provisions of the four preceding sections shall, on her return to the United States, make due entry at the custom-house of the port at which, on such return, she shall arrive.

SUPPLEMENT.

Title 16.

Orders of President in case of invasion.

SEC. 1642. Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States, most convenient to the place of danger, or scene of action, as he may deem necessary to repel such invasion, or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Militia, how apportioned.

SEC. 1643. When the militia of more than one State is called into the actual service of the United States by the President, he shall apportion them among such States according to representative population.

Subject to rules of war.

SEC. 1644. The militia, when called into the actual service of the United States for the suppression of rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

Title 21.

Permanent seat of Government.

SEC. 1795. All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of Government of the United States.

Public offices to be exercised at seat of Government.

SEC. 1796. All offices attached to the seat of Government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law. [See §§ 4798, 4799, QUARANTINE.]

Title 70, Chap. 3.

Misprision of felony.

SEC. 5390. Every person who, having knowledge of the actual commission of the crime of murder or other felony upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country under the exclusive jurisdiction of the United States, conceals, and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, is guilty of misprision of felony, and shall be imprisoned not more than three years, and fined not more than five hundred dollars. [See MURDER.]

Certain offenses committed in places ceded to United States, how punished.

SEC. 5391. If any offense be committed in any place which has been or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for, by any law of the United States, such offense shall be liable to, and receive, the same punishment as the laws of the State in which such place is situated, now in force, provide for the like offense when committed within the jurisdiction of such State; and no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

Title 14, Chap. 5.

Marine and Regular Army officers associated on courts.

ART. 78. Officers of the Marine Corps, detached for service with the Army by order of the President, may be associated with officers of the Regular Army on courts-martial for the trial of offenders belonging to the Regular Army, or to forces of the Marine Corps so detached; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be obeyed.

APPENDIX.

I. Titles of the Revised Statutes.
II. Recognition by Congress of gallant services of officers and others of the Navy and the Marine Corps.
III. Acknowledgment by Congress of prominent services, and authority to officers to accept medals, swords, decorations, &c., from foreign governments.
IV. General relief acts, &c.
V. Constitution of the United States.
VI. Secretaries of the Navy.

PART I.

TITLES OF THE REVISED STATUTES.

No.		Secs.
1.	General provisions	1–13
2.	The Congress	14–130
3.	The President	131–157
4.	Provisions applicable to all the Departments	158–198
5.	The Department of State	199–213
6.	The Department of War	214–232
7.	The Department of the Treasury	233–345
8.	The Department of Justice	346–387
9.	The Post-Office Department	388–414
10.	The Department of the Navy	415–436
11.	The Department of the Interior	437–519
12.	The Department of Agriculture	520–529
13.	The Judiciary	530–1093
14.	The Army	1094–1361
15.	The Navy	1362–1624
16.	The militia	1625–1661
17.	Arms, armories, and arsenals	1662–1673
18.	Diplomatic and consular officers	1674–1752
19.	Provisions applicable to several classes of officers	1753–1790
20.	Flag and seal	1791–1794
21.	Seat of Government, including the public buildings	1795–1835
22.	The States	1836–1838
23.	The Territories	1839–1976
24.	Civil rights	1977–1991
25.	Citizenship	1992–2001
26.	The elective franchise	2002–2031
27.	The freedmen	2032–2038
28.	Indians	2039–2157
29.	Immigration	2158–2164
30.	Naturalization	2165–2174
31.	The census	2175–2206
32.	The public lands	2207–2490
33.	Duties upon imports	2491–2516
34.	Collection of duties upon imports	2517–3139
35.	Internal revenue	3140–3465
36.	Debts due by or to the United States	3466–3494
37.	Coinage, weights, and measures	3495–3570
38.	The currency	3571–3583
39.	Legal tender	3584–3590
40.	The public moneys	3591–3659
41.	Appropriations	3660–3692
42.	The public debt	3693–3708
43.	Public contracts	3709–3747
44.	The public property	3748–3755
45.	Public printing, advertisements, and public documents	3756–3828
46.	The postal service	3829–4061
47.	Foreign relations	4062–4130
48.	Regulation of commerce and navigation	4131–4305
49.	Regulation of vessels in foreign commerce	4306–4310
50.	Regulation of vessels in domestic commerce	4311–4390
51.	Regulation of fisheries	4391–4398

No.		Secs.
52.	Regulation of steam-vessels	4399–4500
53.	Merchant seamen	4501–4612
54.	Prize	4613–4652
55.	Lights and buoys	4653–4680
56.	The coast survey	4681–4691
57.	Pensions	4692–4791
58.	The public health	4792–4800
59.	Hospitals, asylums, and cemeteries	4801–4882
60.	Patents, trade-marks, and copyrights	4883–4971
61.	Bankruptcy	4972–5132
62.	National banks	5133–5243
63.	Rivers and harbors	5244–5255
64.	Railways	5256–5262
65.	Telegraphs	5263–5269
66.	Extradition	5270–5280
67.	Neutrality	5281–5291
68.	Remission of fines, penalties, and forfeitures	5292–5296
69.	Insurrection	5297–5322
70.	Crimes	5323–5550
71.	The slave-trade	5551–5569
72.	Guano islands	5570–5578
73.	The Smithsonian Institution	5579–5594
74.	Repeal provisions	5595–5601

PART II.

RECOGNITION BY CONGRESS OF GALLANT SERVICES OF OFFICERS AND OTHERS OF THE NAVY AND MARINE CORPS.

Resolution requesting the President to present a gold medal to Captain Thomas Truxtun; and respecting the conduct of Midshipman James Jarvis.

That the President of the United States be requested to present to Captain Thomas Truxtun, a golden medal, emblematical of the late action between the United States' frigate Constellation, of thirty-eight guns, and the French ship of war La Vengeance, of fifty-four; in testimony of the high sense entertained by Congress of his gallantry and good conduct in the above engagement, wherein an example was exhibited by the captain, officers, sailors, and marines, honorable to the American name, and instructive to its rising navy.

That the conduct of James Jarvis, a midshipman in said frigate, who gloriously preferred certain death to an abandonment of his post, is deserving of the highest praise, and that the loss of so promising an officer is a subject of national regret.

Approved March 29, 1800.

Resolution expressing the sense of Congress on the gallant conduct of Lieutenant Sterett, the officers, and crew of the United States' schooner Enterprise.

That they entertain a high sense of the gallant conduct of Lieutenant Sterett, and the other officers, seamen, and marines, on board the schooner Enterprise, in the capture of a Tripolitan corsair of fourteen guns and eighty men.

That the President of the United States be requested to present to Lieutenant Sterett a sword, commemorative of the aforesaid heroic action; and that one month's pay be allowed to all the other officers, seamen, and marines, who were on board the Enterprise when the aforesaid action took place.

Approved February 3, 1802.

Resolution expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers and crew of the United States' ketch Intrepid, in attacking, in the harbor of Tripoli, and destroying, a Tripolitan frigate of forty-four guns.

That the President of the United States be requested to present, in the name of Congress, to Captain Stephen Decatur, a sword, and to each of the officers and crew of the United States' ketch Intrepid, two months' pay, as a testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Decatur, the officers and crew, of the said ketch, in attacking, in the harbor of Tripoli, and destroying, a Tripolitan frigate of forty-four guns.

Approved November 27, 1804.

Resolutions expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines of his squadron.

That the thanks of Congress be, and the same are hereby, presented to Commodore Edward Preble, and through him to the officers, petty offiers, seamen, and marines, attached to the squadron under his command, for their gallantry and good conduct displayed in the several attacks on the town, batteries, and naval force of Tripoli, in the year 1804.

That the President of the United States be requested to cause a gold medal to be

struck, emblematical of the attacks on the town, batteries, and naval force of Tripoli by the squadron under Commodore Preble's command, and to present it to Commodore Preble in such manner as, in his opinion, will be most honorable to him: and that the President be further requested to cause a sword to be presented to each of the commissioned officers and midshipmen who have distinguished themselves in the several attacks.

That one months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, and marines, of the squadron, who so gloriously supported the honor of the American flag, under the orders of their gallant commander, in the several attacks.

That the President of the United States be also requested to communicate to the parents, or other near relatives, of Captain Richard Somers, Lieutenants Henry Wadsworth, James Decatur, James R. Caldwell, Joseph Israel, and Midshipman John Sword Dorsey, the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.

Approved March 3, 1805.

An act remitting the duties payable on the importation of a monument to be erected in memory of the officers of the United States navy who fell during the attack made on the city of Tripoli, in the year one thousand eight hundred and four.

That the duties payable, according to law, on the importation of a monument imported in the frigate Constitution, from Italy, on account of the officers of the United States navy, be, and they are hereby, remitted.

Approved March 13, 1808.

An act making appropriations for naval service for the year 1831.

For rebuilding and removing the monument, erected in the navy yard at Washington, by the officers of the American navy, to the memory of those who fell in battle in the Tripolitan war, a sum not exceeding twenty-one hundred dollars, to be expended under the orders of the Secretary of the Navy.

Approved March 2, 1831.

An act to provide for completing the removal and erection of the naval monument.

For the purpose of paying the workmen for renewing the inscriptions, and giving uniformity of color to the naval monument, its ornaments and statues, recently removed from the Washington navy yard to the Capitol square, a sum not exceeding two hundred dollars be, and the same is hereby, appropriated.

Approved July 14, 1832.

[This monument was subsequently removed to the grounds of the Naval Academy at Annapolis.]

Resolution respecting N. C. Nissen, Danish consul at Tripoli.

That the President of the United States be requested to cause to be made known to Nicholas C. Nissen, esquire, his Danish majesty's consul residing at Tripoli, the high sense entertained by Congress of his disinterested and benevolent attentions manifested to Captain Bainbridge, his officers, and crew, during the time of their captivity in Tripoli.

Approved March 10, 1806.

Resolutions relative to the brilliant achievements of Captains Hull, Decatur, Jones, and Lieutenant Elliott.

1. That the President of the United States be, and he is hereby, requested to present to Captain Hull, of the frigate Constitution, Captain Decatur, of the frigate United States, and Captain Jones, of the sloop of war Wasp, each a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each commissioned officer of the aforesaid vessels, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of the captains, officers, and crews, of the aforesaid vessels, in their respective conflicts with the British frig-

ates, the Guerriere and the Macedonian, and sloop of war Frolic; and the President is also requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant Bush, and one to the nearest male relative of Lieutenant Funk, in testimony of the gallantry and merit of those deceased officers, in whom their country has sustained a loss much to be regretted.

2. That the President of the United States be, and he hereby is, requested to present to Lieutenant Elliott, of the Navy of the United States, an elegant sword, with suitable emblems and devices, in testimony of the just sense entertained by Congress of his gallantry and good conduct in boarding and capturing the British brigs Detroit and Caledonia, while anchored under the protection of Fort Erie.

Approved January 29, 1813.

Resolution requesting the President of the United States to present medals to Captain William Bainbridge, and the officers of the frigate Constitution.

That the President of the United States be, and he is hereby, requested to present to Captain William Bainbridge, of the frigate Constitution, a gold medal, with suitable emblems and devices; and a silver medal, with suitable emblems and devices, to each commissioned officer of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Bainbridge, his officers and crew, in the capture of the British frigate Java, after a brave and skilful combat.

Approved March 3, 1813.

An act rewarding the officers and crew of the frigate Constitution, and the officers and crew of the Wasp.

Be it enacted, &c., That the President of the United States be, and he is hereby authorized to have distributed, as prize money, to Captain Isaac Hull, of the frigate Constitution, his officers and crew, the sum of fifty thousand dollars, for the capture and destruction of the British frigate Guerriere: and the like sum, in like manner, to Captain William Bainbridge, his officers and crew, for the capture and destruction of the British frigate Java: and the sum of twenty-five thousand dollars, in like manner, to Captain Jacob Jones, of the sloop of war Wasp, his officers and crew, for the capture of the British sloop of war Frolic: and that the sum of one hundred and twenty-five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purposes aforesaid.

Approved March 3, 1813.

An act to reward the officers and crew of the sloop of war Hornet, and Lieutenant Elliott, and his officers and companions.

That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Captain James Lawrence, late of the sloop of war Hornet, his officers and crew, or their widows and children, the sum of twenty-five thousand dollars, for the capture and destruction of the British brig Peacock; and to Lieutenant Elliott, and his officers and companions, or their widows and children, the sum of twelve thousand dollars, for the capture and destruction of the British brig Detroit; and that the sum of thirty-seven thousand dollars be, and the same is hereby, appropriated to the purpose aforesaid, to be paid out of any money in the treasury not otherwise appropriated.

Approved July 13, 1813.

Resolution relative to the brilliant achievement of Lieutenants Burrows and McCall.

That the President of the United States be requested to present to the nearest male relative of Lieutenant William Burrows, and to Lieutenant Edward R. McCall, of the brig Enterprize, a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each of the commissioned officers of the aforesaid vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the conflict with the British sloop Boxer, on the fourth of September, in the year eighteen hundred and thirteen. And the President is also requested to communicate to the nearest male relative of Lieutenant Burrows, the deep regret which Congress feel for the loss of that valuable officer, who died in the arms of victory, nobly contending for his country's rights and fame.

Approved January 6, 1814.

Resolution directing a sword to be presented to the nearest male relation of Midshipman John Clark.

That the President of the United States be requested to present a sword to the nearest male relation of Midshipman John Clark, who was slain gallantly combating the enemy in the glorious battle gained on Lake Erie, under the command of Captain Perry, and to communicate to him the deep regret which Congress feels for the loss of that brave officer.

Approved February 19, 1814.

Resolutions expressive of the sense of Congress of the gallant conduct of Captain Thomas Macdonough, the officers, seamen, marines, and infantry serving as marines, on board the United States squadron on Lake Champlain.

That the thanks of Congress be, and the same are hereby, presented to Captain Thomas Macdonough, and, through him, to the officers, petty officers, seamen, marines, and infantry serving as marines, attached to the squadron under his command, for the decisive and splendid victory gained on Lake Champlain, on the eleventh of September, in the year one thousand eight hundred and fourteen, over a British squadron of superior force.

That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to Captain Macdonough and Captain Robert Henley, and also to Lieutenant Stephen Cassin, in such manner as may be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers of the navy and army serving on board, and a sword to each of the midshipmen and sailing-masters, who so nobly distinguished themselves in that memorable conflict.

That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant Peter Gamble, and of Lieutenant John Stansbury, and to communicate to them the deep regret which Congress feels for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country.

That three months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, marines, and infantry serving as marines, who so gloriously supported the honor of the American flag on that memorable day.

Approved October 20, 1814.

Resolutions expressive of the sense of Congress of the gallant conduct of Captain Oliver H. Perry, the officers, seamen, marines, and infantry acting as such, on board of his squadron.

That the thanks of Congress be, and the same are hereby, presented to Captain Oliver Hazard Perry, and through him to the officers, petty officers, seamen, marines, and infantry serving as such, attached to the squadron under his command, for the decisive and glorious victory gained on lake Erie, on the tenth of September, in the year eighteen hundred and thirteen, over a British squadron of superior force.

That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to Captain Perry and Captain Jesse D. Elliott, in such manner as will be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers, either of the navy or army, serving on board, and a sword to each of the midshipmen and sailing-masters who so nobly distinguished themselves on that memorable day.

That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant John Brooks, of the marines, and a sword to the nearest male relatives of Midshipmen Henry Laub, and Thomas Claxton, jr., and to communicate to them the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.

That three months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, marines, and infantry serving as such, who so gloriously supported the honor of the American flag, under the orders of their gallant commander, on that signal occasion.

Approved January 6, 1814.

Resolution relative to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war, the Peacock.

That the President of the United States be requested to present to the nearest

male relative of Captain James Lawrence, a gold medal, and a silver medal to each of the commissioned officers who served under him in the sloop of war Hornet, in her conflict with the British vessel of war, the Peacock, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the capture of that vessel; and the President is also requested to communicate to the nearest relative of Captain Lawrence the sense which Congress entertains of the loss which the naval service of the United States has since sustained in the death of that distinguished officer.

Approved January 11, 1814.

An act authorizing the purchase of the vessels captured on Lake Erie.

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to cause to be purchased the British vessels which were captured on lake Erie by the American squadron, on the tenth day of September, in the year one thousand eight hundred and thirteen; and the sum of two hundred and fifty-five thousand dollars, in payment for the said vessels, shall be distributed as prize money among the captors or their heirs.

SEC. 2. That, for carrying into effect this act, a sum not exceeding two hundred and fifty-five thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 3. That there be allowed and paid to Captain Oliver H. Perry, out of any money in the treasury not otherwise appropriated, in addition to his share of prize money as commander of the ship Lawrence, the sum of five thousand dollars.

Approved April 18, 1814.

Resolution expressive of the sense of Congress relative to the victory of the Peacock over the Epervier.

That the President of the United States be requested to present to Captain Lewis Warrington, of the sloop of war Peacock, a gold medal, with suitable emblems and devices, and a silver medal, with like emblems and devices, to each of the commissioned officers, and a sword to each of the midshipmen, and to the sailing-master, of the said vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew, in the action with the British brig Epervier, on the twenty-ninth day of April, in the year one thousand eight hundred and fourteen, in which action the decisive effect and great superiority of the American gunnery were so signally displayed.

Approved October 21, 1814.

Resolution expressive of the sense of Congress relative to the capture of the British sloop Reindeer, by the American sloop Wasp.

That the President of the United States be requested to present to Captain Johnston Blakely, of the sloop Wasp, a gold medal, with suitable devices, and a silver medal, with like devices, to each of the commissioned officers, and also a sword to each of the midshipmen, and the sailing-master of the aforesaid vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew, in the action with the British sloop of war Reindeer, on the twenty-eighth of June, in the year one thousand eight hundred and fourteen, in which action determined bravery and cool intrepidity, in nineteen minutes obtained a decisive victory, by boarding.

Approved November 3, 1814.

Resolutions expressive of the high sense entertained by Congress of the gallantry and good conduct of Commodore D. T. Patterson, and Major D. Carmick, and of the officers, seamen, and marines, under their command, in the defense of New Orleans.

That Congress entertain a high sense of the valor and good conduct of Commodore D. T. Patterson, of the officers, petty officers, and seamen, attached to his command, for their prompt and efficient co-operation with General Jackson, in the late gallant and successful defense of the city of New Orleans, when assailed by a powerful British force.

That Congress entertain a high sense of the valor and good conduct of Major Daniel Carmick, of the officers, non-commissioned officers, and marines, under his command, in the defense of the said city, on the late memorable occasion.

Approved February 22, 1815.

An act authorizing the purchase of vessels captured on lake Champlain.

That the President of the United States be, and he is hereby, authorized to cause to be purchased, the British vessels which were captured on lake Champlain, by the American squadron, on the eleventh day of September, in the year eighteen hundred and fourteen; and the amount of the valuation of such captured vessels, when duly made and returned to the navy department, shall be distributed as prize-money, among the captors or their heirs.

Approved March 3, 1815.

Resolution requesting the President to present medals to Captain James Biddle, and the officers of the sloop of war Hornet.

That the President of the United States be, and he is hereby, requested to present to Captain James Biddle, of the sloop of war Hornet, a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer of the said sloop of war, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of Captain Biddle, his officers and crew, in capturing the British sloop of war Penguin, after a brave and skilful combat.

Approved February 22, 1816.

Resolution requesting the President to present medals to Captain Stewart and the officers of the frigate Constitution.

That the President of the United States be, and he is hereby, requested to present to Captain Charles Stewart, of the frigate Constitution, a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of Captain Stewart, his officers and crew, in the capture of the British vessels of war, the Cyane and the Levant, after a brave and skilful combat.

Approved February 22, 1816.

An act rewarding the officers and crew of the sloop of war Hornet, for the capture and destruction of the British sloop of war Penguin.

That the President of the United States be, and he is hereby, authorized to have distributed, as prize-money, to Captain James Biddle, of the sloop of war Hornet, his officers and crew, the sum of twenty-five thousand dollars, for the capture and destruction of the British sloop of war Penguin; and that the sum of twenty-five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purpose aforesaid.

Approved February 28, 1816.

An act rewarding the officers and crew of the Constitution for the capture of the British sloop of war Levant.

That the President of the United States be, and he hereby is, authorized to have distributed as prize-money, to Captain Charles Stewart, late of the frigate Constitution, his officers and crew, the sum of twenty-five thousand dollars, for the capture of the British sloop of war Levant; and that the sum of twenty-five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purpose aforesaid.

Approved April 26, 1816.

An act providing for the distribution of one hundred thousand dollars among the captors of the Algerine vessels captured and restored to the Dey of Algiers.

That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the treasury not otherwise appropriated, and distributed in the same proportions and under the same regulations as prize money is now by law directed to be distributed, among the captors of the Algerine vessels, captured

by the American squadron, under the command of Commodore Decatur, and afterwards restored to the Dey of Algiers.

Approved April 27, 1816.

An act authorizing the distribution of a sum of money among the representatives of Commodore Edward Preble, and the officers and crew of the brig Syren.

That the sum of two thousand five hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated; which sum shall be distributed by the Secretary of the Navy, as prize money, among the representatives of Commodore Edward Preble, deceased, and Captain Charles Stewart, the officers and crew of the brig of war Syren, or to the representatives of such as may be dead, on account of their proportion of the sum of five thousand dollars, the appraised value of the brig Transfer, captured by the said brig Syren, for a breach of the blockade of the port of Tripoli, in the year eighteen hundred and four, during the war carried on by the United States against that power; the said brig Transfer having been taken into the service of the United States by Commodore Edward Preble, commander of the blockading squadron; which brig was regularly condemned, as a good prize, by sentence of a court of admiralty.

Approved February 4, 1819.

An act for the relief of the family of the late Oliver Hazard Perry, Esq.

From and after the 23d day of August, in the year of our Lord one thousand eight hundred and nineteen, the following sums be, and the same hereby are, settled, by way of annuity, payable, under the direction of the Secretary of the Treasury, half yearly, at the treasury of the United States, or at the loan-office at Providence, at the option of the annuitants, on the widow and children of the late Oliver Hazard Perry, of the United States navy; that is to say:

On Elizabeth Perry, dowager of the aforesaid Oliver Hazard Perry, $400 during her natural life: *provided*, that the said annuity shall cease and determine on the determination of her widowhood:

On Christopher Grant Perry, his eldest son, $150:

On Oliver Hazard Perry, his second son, $150: and

On Christopher Raymond Perry, his third son, $150:

until the said Christopher Grant, Oliver Hazard, and Christopher Raymond, shall arrive at full age of twenty-one years respectively:

And on Margaret Perry, only daughter, and youngest child, of the said Oliver Hazard Perry, deceased, the sum of $150, until she shall arrive at the age of twenty-one years aforesaid: *provided*, that in case the said Margaret shall have contracted any marriage on or before she shall reach the age of twenty-one years, aforesaid, then the said pension or annuity shall cease and determine on the day whereon the said marriage shall have been contracted, as aforesaid: *provided always*, that in case the said Margaret shall not have contracted any marriage on that day, or prior thereto, then the said pension or allowance shall continue to be paid until the marriage or natural demise of the said Margaret: *and provided further*, that in case any of the said children of the said Oliver Hazard Perry, deceased, shall die under lawful age as aforesaid, then, and in that case, the pension or annuity granted by this act, shall, in such case, cease and determine, in respect to such child so deceasing.

Approved March 2, 1821.

An act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenan Francis H. Gregory, of the United States navy.

That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Lieutenant Francis H. Gregory, of the United States navy, and the officers and crews of two gigs, or small boats, under his command or to their legal representatives, the sum of $3,000, for the capture and destruction of a British gun-boat called the Black Snake, in the river Saint Lawrence, on the 19th of June, 1814; and that the said sum of $3,000 be, and is hereby, appropriated for the purpose aforesaid, out of any moneys in the treasury not otherwise appropriated.

Approved May 4, 1824.

Resolution expressive of the sense of Congress of the gallent conduct of Lieutenant Duncan, of th United States Navy.

That the provisions of the joint resolutions of Congress, passed October twenty,

eighteen hundred and fourteen, entitled "Resolutions expressive of the sense of Congress of the gallant conduct of Captain Thomas Macdonough, the officers, seamen, and marines, and infantry serving as marines, on board of the United States squadron on lake Champlain," be so construed and extended as to include the name of Silas Duncan, a lieutenant in the navy of the United States, in testimony of the sense which is entertained by both Houses of Congress, of the distinguished gallantry and good conduct of the said Lieutenant Duncan, in an action with the enemy's forces, on the sixth of September, eighteen hundred and fourteen, on the same lake.

Approved May 13, 1826.

Joint resolution of thanks to the officers, sailors and marines of the United States Navy.

That the thanks of Congress are due and are hereby tendered to the officers, sailors, and marines of the navy of the United States, for the zeal and ability with which their duty during the late war with Mexico, and especially their efficient co-operation with the army of the United States in the capture of Vera Cruz and the Castle of San Juan de Ulloa, was performed.

That the President of the United States be requested to cause the foregoing resolution to be communicated to the officers, sailors and mariues of the navy of the United States in such terms as he may deem best calculated to give effect to the object thereof.

Approved August 7, 1848.

A joint resolution directing the presentation of a medal to Commander Duncan N. Ingraham.

That the President of the United States be, and he is hereby requested, to cause to be made a medal, with suitable devices, and presented to Commander Duncan N. Ingraham, of the navy of the United States, as a testimonial of the high sense entertained by Congress of his gallant and judicious conduct on the second of July, eighteen hundred and fifty-three, in extending protection to Martin Koszta, by rescuing him from illegal seizure and imprisonment on board the Austrian war-brig Hussar.

Approved August 4, 1854.

A resolution conferring the rank of senior flag-officer on the active service list of the United States Navy on Captain Charles Stewart.

That the President of the United States, by and with the advice and consent of the Senate, be, and he is hereby, authorized and empowered to confer on Captain Charles Stewart, of the United States navy, in recognition of his distinguished and meritorious service, the commission of senior flag officer of the United States navy, on the active service list.

Approved March 2, 1859.

A resolution giving the thanks of Congress to the officers, soldiers, and seamen of the Army and Navy for their gallantry in the recent brilliant victories over the enemies of the United States and the Constitution.

That the thanks of Congress are due, and are hereby tendered, to the officers, soldiers, and seamen of the Army and Navy of the United States, for the heroic gallantry, that under the providence of Almighty God, has won the recent series of brilliant victories over the enemies of the Union and the Constitution.

Approved February 22, 1862.

UPON RECOMMENDATION OF THE PRESIDENT.

A resolution tendering the thanks of Congress to Captain Samuel F. DuPont, and officers, petty officers, seamen, and marines under his command, for the victory at Port Royal.

That the thanks of Congress be, and they are hereby, tendered to Captain Samuel F. DuPont, and through him to the officers, petty officers, seamen, and marines attached to the squadron under his command, for the decisive and splendid victory achieved at Port Royal on the seventh day of November last.

Approved February 22, 1862.

A resolution expressive of the thanks of Congress to Captain A. H. Foote, of the United States navy, and to the officers and men under his command in the western flotilla.

That the thanks of Congress and of the American people are due, and are hereby tendered, to Captain A. H. Foote, of the United States navy, and to the officers and men of the western flotilla under his command, for the great gallantry exhibited by them in the attacks upon Forts Henry and Donaldson, for their efficiency in opening the Tennessee, Cumberland, and Mississippi rivers to the pursuits of lawful commerce, and for their unwavering devotion to the cause of the country in the midst of the greatest difficulties and dangers.

Approved March 19, 1862.

A resolution expressive of the thanks of Congress to Lieutenant J. L. Worden, of the United States navy, and to the officers and men under his command in the Monitor.

That the thanks of Congress and of the American people are due and are hereby tendered to Lieutenant John L. Worden, of the United States navy, and to the officers and men of the iron-clad gunboat Monitor, under his command, for the skill and gallantry exhibited by them in the late remarkable battle between the Monitor and the rebel iron-clad steamer Merrimack.

SEC. 2. *Be it further resolved*, That the President of the United States be requested to cause this resolution to be communicated to Lieutenant Worden, and through him to the officers and men under his command.

Approved July 11, 1862.

UPON RECOMMENDATION OF THE PRESIDENT.

A resolution of thanks to Captain David G. Farragut, of the United States navy, and to the officers and men under his command.

That the thanks of the people and of the Congress of the United States are due and are hereby tendered to Captain David G. Farragut, of the United States navy, and to the officers and men under his command, composing his squadron in the Gulf of Mexico, for their successful operations on the lower Mississippi river, and for their gallantry displayed in the capture of Forts Jackson and St. Philip, and the city of New Orleans, and in the destruction of the enemy's gunboats and armed flotilla.

SEC. 2. *And be it further resolved*, That the Secretary of the Navy be directed to communicate this resolution to Captain Farragut, and through him to the officers and men under his command.

Approved July 11, 1862.

UPON RECOMMENDATION OF THE PRESIDENT.

A resolution tendering the thanks of Congress to Captain Louis M. Goldsborough, and officers, petty officers, seamen, and marines under his command, for the victory at Roanoke island.

That the thanks of Congess be, and they are hereby, tendered to Captain Louis M. Goldsborough, and through him to the officers, petty officers, seamen, and marines attached to the squadron under his command, for the brilliant and decisive victory achieved at Roanoke island on the seventh, eighth, and tenth days of February last.

Approved July 11, 1862.

UPON RECOMMENDATION OF THE PRESIDENT.

Joint resolution tendering the thanks of Congress to Captain Andrew H. Foote, of the United States navy.

That the thanks of Congress be, and the same are hereby, tendered to Captain Andrew H. Foote, of the United States navy, for his eminent services and gallantry at Fort Henry, Fort Donelson, and Island Number Ten, while in command of the naval forces of the United States.

SEC. 2. That the President of the United States be, and he is hereby, requested to transmit a certified copy of the foregoing resolution to Captain Foote.

Approved July 16, 1862.

Joint resolution tendering the thanks of Congress to Commander John L. Worden, of the United States Navy.

That, in pursuance of the recommendation of the President of the United States, and to enable him to advance Commander John L. Worden one grade, in pursuance of the

ninth section of the act of Congress of sixteenth July, eighteen hundred and sixty-two, that the thanks of Congress be, and they are hereby, tendered to Commander John L. Worden for highly distinguished conduct in conflict with the enemy in the remarkable battle between the United States iron-clad steamer Monitor, under his command, and the rebel iron-clad frigate Merrimac, in March, eighteen hundred and sixty-two.

Approved February 3, 1863.

Joint resolution tendering the thanks of Congress to Commodore Charles Henry Davis and other officers of the navy, in pursuance of the recommendation of the President of the United States.

That the thanks of Congress be, and they are hereby, given to the following officers of the United Sates navy, upon the recommendation of the President of the United States, viz: Commodore Charles Henry Davis, for distinguished services in conflict with the enemy at Fort Pillow, at Memphis, and for successful operations at other points in the waters of the Mississippi river; Captain John A. Dahlgren, for distinguished service in the line of his profession, improvements in ordnance, and zealous and efficient labors in the ordnance branch of the service; Captain Stephen C. Rowan, for distinguished services in the waters of North Carolina, and particularly in the capture of Newbern, being in chief command of the naval forces; Commander David D. Porter, for the bravery and skill displayed in the attack on the post of Arkansas, which surrendered to the combined military and naval forces on the tenth of January, eighteen hundred and sixty-three; Rear Admiral Silas H. Stringham, now on the retired list, for distinguished services in the capture of Forts Hatteras and Clark: and that a copy of this resolution be forwarded to each of the above officers by the President of the United States.

Approved February 7, 1863.

Joint resolution tendering the thanks of Congress to Captain John Rodgers, of the United States navy for eminent skill and zeal in the discharge of his duties.

That, in pursuance of the recommendation of the President of the United States, and to enable him to advance Captain Rodgers one grade in pursuance of the ninth section of the act of Congress of sixteenth July, eighteen hundred and sixty-two, the thanks of Congress be, and they are hereby, tendered to Captain John Rodgers "for the eminent skill and gallantry exhibited by him in the engagement with the rebel armed iron-clad steamer 'Fingal,' alias 'Atlanta,' whilst in command of the United States iron-clad steamer 'Weehawken,' which led to her capture on June seventeenth, eighteen hundred and sixty-three; and also for the zeal, bravery, and general good conduct shown by this officer on many occasions."

Approved December 23, 1863.

A resolution of thanks of Congress to Commodore Cadwalader Ringgold, the officers and crew of th United States ship "Sabine."

That the thanks of Congress are hereby tendered to Commodore Ringgold, the officers, petty officers, and men of the United States ship "Sabine," for the daring and skill displayed in rescuing the crew of the steam transport "Governor," wrecked in a gale on the first day of November, eighteen hundred and sixty-one, having on board a battalion of United States marines under the command of Major John G. Reynolds, and in the search for, and rescue of, the United States line-of-battle ship "Vermont," disabled in a gale upon the twenty-sixth of February last, with her crew and freight.

SEC. 2. That the Secretary of the Navy be directed to communicate the foregoing resolution to Commodore Ringgold, and through him to the officers and men under his command.

Approved March 7, 1864.

Joint resolution tendering the thanks of Congress to Admiral Porter.

That the thanks of Congress be, and they are hereby, tendered to Admiral David D. Porter, commanding the Mississippi squadron, for the eminent skill, endurance, and gallantry exhibited by him and his squadron, in co-operation with the Army, in opening the Mississippi River.

Approved April 19, 1864.

A resolution tendering the thanks of Congress to Captain John A. Winslow, United States navy, and to the officers and men under his command, on board the United States steamer Kearsarge, in her conflict with the piratical craft the Alabama, in compliance with the President's recommendation to Congress of the fifth of December, eighteen hundred and sixty-four.

That the thanks of Congress are due, and are hereby tendered, to Captain John A.

Winslow, of the United States navy, and to the officers, petty officers, seamen and marines of the United States steamer Kearsarge, for the skill and gallantry exhibited by him and the officers and men under his command in the brilliant action on the nineteenth of June, eighteen hundred and sixty-four, between that ship and the piratical craft Alabama, a vessel superior to his own in tonnage, in guns, and in the number of her crew.

Approved December 20, 1864.

A resolution tendering the thanks of Congress to Lieutenant William B. Cushing, of the United States navy, and to the officers and men who assisted him in his gallant and perilous achievement in destroying the rebel steamer Albemarle, in compliance with the President's recommendation to Congress of the fifth of December, eighteen hundred and sixty-four.

That the thanks of Congress are due, and are hereby tendered, to Lieutenant William B. Cushing, of the United States navy, and to the officers and men under his command, for the skill and gallantry exhibited by them in the destruction of the rebel iron-clad steamer Albemarle, at Plymouth, North Carolina, on the night of the twenty-seventh of October, eighteen hundred and sixty-four.

Approved December 20, 1864.

A resolution tendering the thanks of Congress to Rear-Admiral David D. Porter, and to the officers, petty officers, seamen, and marines under his command, for their gallantry and good conduct in the recent capture of Fort Fisher.

That the thanks of Congress are hereby presented to Rear-Admiral David D. Porter, and to the officers, petty officers, seamen, and marines under his command, for the unsurpassed gallantry and skill exhibited by them in the attacks upon Fort Fisher and the brilliant and decisive victory by which that important work has been captured from the rebel forces and placed in the possession and under the authority of the United States, and for their long and faithful services and unwavering devotion to the cause of the country in the midst of the greatest difficulties and dangers.

SEC. 2. *And be it further resolved*, That the President of the United States be requested to communicate this resolution to Admiral Porter, and through him to the officers, seamen, and marines under his command.

Approved January 24, 1865.

A resolution tendering the thanks of Congress to Vice-Admiral David G. Farragut, and to the officers, petty officers, seamen, and marines under his command, for their gallantry and good conduct in the action in Mobile bay on the fifth August, 1864.

That the thanks of Congress are eminently due, and are hereby tendered, to Vice-Admiral David G. Farragut, of the United States navy, and to the officers, petty officers, seamen, and marines under his command, for the unsurpassed gallantry and skill exhibited by them in the engagement in Mobile bay on the fifth day of August, eighteen hundred and sixty-four, and for their long and faithful services and unwavering devotion to the cause of the country in the midst of the greatest difficulties and dangers.

SEC. 2. That the President of the United States be requested to communicate this resolution to Vice-Admiral Farragut, and that the Secretary of the Navy be requested to communicate the same to the officers, seamen, and marines of the navy by general order of his department.

Approved February 10, 1866.

Joint resolution to authorize the erection of a colossal statue of the late Admiral Farragut.

That the Committee on Public Buildings and Grounds of the Senate and House of Representatives be, and they are hereby, instructed to inspect all models for a colossal statue of the late Admiral Farragut that may be presented to them on or before the first of January, eighteen hundred and seventy-three, and select therefrom, within thirty days thereafter, the one that in their judgment shall be the most faithful likeness in form and feature, and the most appropriate to commemorate the deeds and character of the said admiral; and that the Secretary of the Navy be, and he is hereby, directed to contract with the sculptor who shall have prepared the model so selected, for a colossal statue of the said admiral, at a cost not exceeding twenty thousand dollars, to be erected in Farragut square, in the city of Washington, District of Columbia, or in such other place as he may designate: *Provided*, That if no such model shall be presented on or before the time designated which the said committees shall agree upon as a work of art entirely worthy as a tribute of the nation to the naval hero whose

memory it is proposed to commemorate, they may reject any and all so presented, and report the fact to their respective houses.

Approved, April 16, 1872.

[Time for presenting models extended thirty days, by resolution of December 24, 1872. The Secretary of the Navy authorized to contract with some suitable and skillful sculptor for a bronze statue, the selection of the sculptor or artist to execute the same to be made by the Secretary of the Navy, the General of the Army, and Mrs. Virginia L. Farragut, or a majority of them. Resolution of June 22, 1874.—The contract was made with Miss Vinnie Ream.]

An act to authorize the Secretary of the Navy to transport in a government vessel, free of duty, a monument designed by Admiral Porter to be erected in the grounds of the Naval Academy at Annapolis, in memory of the officers, seamen, and marines of the Navy who fell in defence of the Union.

That the Secretary of the Treasury is hereby authorized and directed to admit, free of duty, the monument designed by Admiral Porter, and now being executed in Rome by Franklin Simmons, the American sculptor, to the memory of the officers, seamen, and marines of the navy who fell in defence of the Union. And the Secretary of the Navy is hereby authorized to have the said monument conveyed to the United States in a public vessel, and landed at Annapolis, Maryland, where it is to be erected in the Naval Academy grounds.

Approved December 19, 1872.

INDEX TO PART II.

Page.

Alabama, thanks of Congress for destruction of the 302
Albemarle, thanks of Congress for destruction of the 303
Arkansas Post, thanks of Congress for capture of 302
Bainbridge, Capt. Wm., gold medal to 295
prize-money to 298
Biddle, Capt. J., and commissioned officers, medals voted to 298
Blakeley, Capt. J., and commissioned officers, medals voted to 297
Brooks, Capt. John, silver medal to nearest relative of 296
Burrows, Lieut. W., and commissioned officers, medals voted to 295
Bush, Lieutenant, silver medal voted to nearest male relative of 295
Caldwell, Lieut. James R., condolence for loss of 294
Carmick, Maj. Daniel, sense of Congress for conduct at battle of New Orleans 298
Cassin, Lieut. S., and commissioned officers, medals voted to 296
Clark, Midshipman John, sword to relatives of 295
Claxton, Thomas, jr., sword to relatives of 296
Cushing, Lieut. William B., thanks of Congress to 303
Dahlgren, Capt. John A., thanks of Congress to 302
Davis, Commodore Charles H., thanks of Congress to 302
Decatur, Capt. Stephen, sword voted to 293
gold medal to 294
prize-money awarded to 299
Decatur, Lieut. James, condolence for loss of 294
Dorsey, Midshipman John Sword, condolence for loss of 294
Du Pont, Capt. Samuel F., thanks of Congress to 301
Duncan, Lieut. Silas, sense of Congress for gallant conduct of 300
Elliott, Capt. J. D., and commissioned officers, medals voted to 296
prize-money to 296
sword voted to 295
Enterprise, one month's pay to officers and crew of the 295
Farragut, Capt. D. G., thanks of Congress to 301-303
statue to Rear-Admiral 303
Fort Clark, thanks of Congress for victory at 302
Fort Fisher, thanks of Congress for capture of 303
Fort Hatteras, thanks of Congress for victory at 302
Forts Henry and Donelson, thanks of Congress for victory at 301
Forts Jackson and Saint Philip, thanks of Congress for capture of 301
Fort Pillow, thanks of Congress for capture of 302
Foote, Capt. A. H., thanks of Congress to 301
Funk, Lieutenant, silver medal voted to nearest male relative of 295
Gamble, Lieut. Peter, silver medal voted to 296
Goldsborough, Capt. L. M., thanks of Congress to 301
Governor, thanks to officers and crew of Sabine for rescuing persons on board the transport 302
Gregory, Lieut. F. H., rewarded for capture of British gunboat Black Snake 299
Henly, Capt. Robt., gold medal to 296
Hull, Capt. I., and commissioned officers, medals voted to 294
prize-money for 295
Ingraham, Commander D. N., medal to 300
Intrepid, two months' pay to officers and crew of the 293
Island No. 10, thanks of Congress for services of Navy at 301
Israel, Lieut. Joseph, condolence for loss of 294
Jarvis, Midshipman James, regret for the loss of 293
Jones, Capt. J., and commissioned officers, medals voted to 294
prize-money to 295
Kearsarge, thanks of Congress to officers and crew of the 303
Laub, Midshipman Henry, sword voted to the nearest male relative of 296
Lawrence, Capt. J., and commissioned officers, medals voted to 297
prize-money to 295
Macdonough, Capt. T., and commissioned officers, medals and thanks to 296
McCall, Lieutenant, and commissioned officers, medals voted to 295
Medals, voted to Capt. T. Truxtun 293
Commodore E. Preble 293
Capt. I. Hull, and commissioned officers 294
Capt. S. Decatur, and commissioned officers 293
Capt. J. Jones, and commissioned officers 294
Capt. W. Bainbridge, and commissioned officers 295
Capts. O. H. Perry and J. D. Elliott, and commissioned officers 296
Lieuts. W. Burrows and E. R. McCall, and commissioned officers 295
Capt. J. Lawrence, and commissioned officers 297
Capts. T. Macdonough and R. Henley, Lieut. S. Cassin, and commissioned officers 296
Capt. L. Warrington, and commissioned officers 297
Capt. J. Blakeley, and commissioned officers 297
Capt. C. Stewart, and commissioned officers 298
Capt. J. Bidd e, and commissioned officers 298
Memphis, thanks of Congress for victory at 302

Page.

Monitor, thanks of Congress to officers and crew of 301-302
Monument to memory of those who fell at Tripoli 294
to those who fell in defense of the Union 304
Newbern, thanks of Congress for victory at 301
New Orleans, thanks of Congress for victory at 298
Nissen, N. C., recognition of services of 294
Patterson, Commodore D. T., sense of Congress for conduct at battle of New Orleans 296
Perry, Capt. O. H., medal voted to 297
prize-money, additional to 296
thanks of Congress to 299
an act for the relief of the family of 293
Preble, Commodore E., medal voted to 293
prize-money to 299
thanks of Congress to, and men 293
Porter, Commander D. D., thanks of Congress to 302
Rear-Admiral D. D., thanks of Congress to 303
Port Royal, thanks of Congress for victory at 301
Ringgold, Commodore Cadwalader, thanks of Congress to 302
Roanoke Island, thanks of Congress for victory at 301
Rodgers, Capt. John, thanks of Congress to 302
Rowan, Capt. S. C., thanks of Congress to 302
Sabine, thanks to officers and crew of the 302
Somers, Capt. Richard, condolence for loss of 294
Stansbury, Lieut. John, silver medal voted to 296
Stewart, Capt. C., and commissioned officers, medals voted to 298
prize-money to 298-299
appointed senior flag-officer 300
Sterett, Lieutenant, praise and condolence to, and others 293
Stringham, Rear-Admiral S. H., thanks of Congress to 302
Swords voted by Congress to:
Lieut. Andrew Sterett, of schooner Enterprize, for capture of Tripolitan corsair 293
Capt. Stephen Decatur, for destroying Tripolitan frigate 293
officers of Mediterranean squadron who distinguished themselves at Tripoli 294
Lieut. J. D. Elliott, for capture of British brigs Detroit and Caledonia 295
nearest male relative of Midshipman John Clark 295
Laub and Claxton 296
Lieutenant John Brooks 296
midshipmen and sailing-masters of squadron on Lake Erie 296
Champlain 296
sloop Peacock 297
sloop Wasp 297
Syren, prize-money for capture of Transfer by the 299
Thanks, voted by Congress, to:
Commodore E. Preble, officers and crews, for attacks on Tripoli 293
Commodore O. H. Perry, officers and crews, for victory on Lake Erie 296
Commodore T. Macdonough, officers and crews, for victory on Lake Champlain 296
Capt. Samuel F. DuPont, and others, for victory at Port Royal 301
the Army and Navy, for series of brilliant victories 300
Capt. A. H. Foote, and others, for gallantry at Fort Henry, &c 301
Capt. Louis M. Goldsborough and others, for victory at Roanoke Island 301
Lieut. J. L. Worden and others, for gallantry in the action with the Merrimack 301
Capt. David G. Farragut and others, for capture of New Orleans, &c 301
Commander John L. Worden, to enable President to advance him 302
Commodore Charles H. Davis, for operations on the Mississippi 302
Capt. John A. Dahlgren, for distinguished service in his profession 302
Capt. S. C. Rowan, for distinguished service at Newbern, &c 302
Commander D. D. Porter, for bravery in attack on Arkansas Post 302
Rear-Admiral S. H. Stringham, for capture of Fort Hatteras, &c 302
Capt. John Rodgers, for capture of the Atlanta 302
Commodore Ringgold and others, for skill in rescuing crew of the Governor 302
Capt. John A. Winslow and others, for destruction of the Alabama 303
Lieut. William B. Cushing and others, for destroying the Albemarle 303
Rear-Admiral D. D. Porter and others, for capture of Fort Fisher 303
Vice-Admiral D. G. Farragut and others, for gallantry at Mobile 303
Tripoli, monument in memory of those who fell at 294
Truxtun, Capt. T., medal voted to 293
Vera Cruz, thanks of Congress to Navy and Marine Corps, for capture of 300
Victories, thanks for series of 300
Wadsworth, Lieut. Henry, condolence for loss of 294
Warrington, Capt. Lewis, gold medal to 297
Weehawken, thanks to officers and men of, for capture of the Atlanta 302
Winslow, Capt. John A., thanks of Congress to 302
Worden, Lieut. John L., thanks of Congress to 301
Commander John L., thanks of Congress to, to enable President to advance him 301

PART III.

ACKNOWLEDGMENT BY CONGRESS OF PROMINENT SERVICES, AND AUTHORITY TO OFFICERS TO ACCEPT MEDALS, SWORDS, ETC., FROM FOREIGN GOVERNMENTS.

Joint resolution tendering the thanks of Congress to the British authorities at Gibraltar, and the commander, officers, and crew of her Brittannic Majesty's ship Malabar.

That the President of the United States be requested to communicate to the British Government, in such manner as he may deem proper, the high sense entertained by Congress of the generous zeal displayed by the British authorities at Gibraltar, and the commander, officers and crew of her Britannic Majesty's ship Malabar, in endeavoring to save from destruction the American steam frigate Missouri, and in preserving the lives of her officers and crew, as well as of the kindness and hospitality which characterized their treatment of the ship's company of that vessel, after her unfortunate destruction by fire.

Approved June 17, 1844.

A joint resolution relative to the preparation and presentation of medals to certain French, British and Spanish officers.

That the President of the United States is hereby authorized and requested to cause suitable gold and silver medals to be prepared and presented to the officers and men belonging or attached to the French, British and Spanish ships of war in the harbor of Vera Cruz, who so gallantly and at the imminent peril of their lives aided in rescuing from a watery grave many of the officers and crew of the United States brig Somers.

Approved March 3, 1847.

A resolution for the benefit of the widow of Commander William Lewis Herndon, United States Navy.

That Congress entertain a high sense of the devotion to duty, the coolness, courage, and conduct of Commander William Lewis Herndon, United States Navy, in command of the steamer Central America, at sea during the prevalence of a hurricane on the twelfth of September, eighteen hundred and fifty-seven; and that the widow of the said William Lewis Herndon be entitled to receive, out of any money in the Treasury not otherwise appropriated, a sum equal to three years' full sea-service pay of a commander in the Navy.

Approved June 3, 1858.

A resolution giving the consent of Congress to the acceptance by Lieutenant M. F. Maury, of the Navy, of a gold medal from His Majesty the King of Sweden.

That Lieutenant M. F. Maury, of the United States Navy, be, and he is hereby authorized to accept a gold medal recently presented to him by His Majesty the King of Sweden.

Approved June 29, 1854.

A resolution authorizing the purchase and restoration to the British government of the ship Resolute, late of the British navy.

Whereas it has become known to Congress that the ship "Resolute," late of the navy of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on service in the Arctic seas, in search of Sir John Franklin and the survivors of the expedition under his command, was rescued and recovered in those seas by the officers and crew of the American whaleship, the "George Henry," after the "Resolute" had

been necessarily abandoned in the ice by her officers and crew, and after drifting still in the ice for more than one thousand miles from the place where so abandoned—and that the said ship "Resolute" having been brought to the United States by the salvors at great risk and peril, had been generously relinquished to them by Her Majesty's government: Now, in token of the deep interest felt in the United States for the service in which Her Majesty's said ship was engaged when thus necessarily abandoned, and of the sense entertained by Congress of the act of Her Majesty's government in surrendering said ship to the salvors:—

That the President of the United States be and he is hereby requested to cause the said ship "Resolute," with all her armament, equipment, and the property on board when she arrived in the United States, and which has been preserved in good condition, to be purchased of her present owners, and that he send the said ship with everything pertaining to her as aforesaid, after being fully repaired and equipped at one of the navy-yards of the United States, back to England under control of the Secretary of the Navy, with a request to Her Majesty's government that the United States may be allowed to restore the said ship "Resolute" to Her Majesty's service—and for the purchase of said ship and her appurtenances, as aforesaid, the sum of forty thousand dollars, or so much thereof as may be required, is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

Approved August 28, 1856.

A resolution allowing Doctor E. K. Kane, and the officers associated with him in their late expedition to the Arctic seas, in search of Sir John Franklin, to accept such token of acknowledgment from the government of Great Britain as it may please to present.

Whereas, the President of the United States has communicated to Congress a request from the Government of Great Britain that permission should be given by this Government allowing Doctor Elisha K. Kane, a Passed-Assistant-Surgeon in the Navy of the United States, and the officers who were with him in his late expedition to the Arctic seas in search of Sir John Franklin, to accept from the Government of Great Britain some "token of thankfulness," and as a memorial of the sense entertained by that Government of "their ardnous and generous services" in that behalf—

That Congress hereby consents that Dr. Elisha K. Kane, of the Navy of the United States, and such of the officers who were with him in the expedition aforesaid, as may yet remain in the service of the United States, may accept from the Government of Great Britain, such token of the character aforesaid as it may be the pleasure of that government to present to them.

Approved August 30, 1856.

A resolution authorizing the acceptance of certain medals from foreign Governments.

That Surgeon Thomas Williamson and Passed-Assistant Surgeon James F. Harrison of the United States Navy, be and they are hereby authorized to accept the gold medals recently awarded to them by the Emperor of France.

SEC. 2. That Lieutenant M. F. Maury, of the United States Navy, be and he is hereby authorized to accept the gold medals recently presented to him by the governments of Prussia and Holland, and the Republic of Bremen.

Approved August 30, 1856.

A resolution allowing Commander Henry J. Hartstene, of the United States Navy, Lieutenant S. D. Trenchard, Master Morrison, and the petty officers and crew of the steamer Vixen, to accept certain tokens of acknowledgment from the government of Great Britain.

That Congress consents that Commander Henry J. Hartstene, of the United States navy, may accept from the government of Great Britain a sword, which has been forwarded to the Navy Department by the said government, for presentation to said Commander Hartstene, with the expression of a hope that he may be permitted to receive it as a memorial of the gratification which her majesty the Queen of Great Britain has received from the return of the "barque Resolute" of which said Hartstene was commander.

SEC. 2. That Congress hereby also consents that Lieutenant S. D. Trenchard, and Master G. F. Morrison, of the United States steamer Vixen, may each accept from the government of Great Britain a sword, which has been forwarded to the Navy Department by said government, for presentation to the said Trenchard and Morrison, as an acknowledgment by said government of Great Britain of the generous and effective services rendered by said Trenchard and Morrison, in rescuing the lives and property of certain of her Majesty's subjects from destruction; and also, that the consent of Congress is hereby given for the acceptance by the petty officers and crew of the

steamer Vixen, of a sum of money, contributed by the Glasgow underwriters on the British barque Adieu, as a mark of their gratitude for the services rendered by said officers and crew in rescuing the said barque from destruction.

Approved March 3, 1857.

Joint resolution for the presentation of medals to Dr. Kane, his officers and men.

That the Secretary of the Navy shall cause to be struck and presented to Dr. Kane, his officers and men, respectively, such appropriate medals as in the judgment of the said Secretary shall express the high estimation in which Congress hold their respective merits and service.

Approved March 3, 1857.

A resolution to authorize certain officers and men, engaged in the search for Sir John Franklin, to receive certain medals presented to them by the government of Great Britain.

That the officers and men engaged in the several expeditions which have been fitted out in the United States for the recovery of Sir John Franklin and his companions, be authorized to accept the medals recently transmitted to this government, for presentation to them, by the government of Great Britain.

Approved March 16, 1858.

A resolution authorizing Lieutenant William N. Jeffers to accept a sword of honor from her Majesty the Queen of Spain.

That the assent of Congress be, and the same is hereby, given, to allow Lieutenant William N. Jeffers, of the navy of the United States, to accept a sword of honor presented to him, through the Department of State, by her Majesty the Queen of Spain, "as an acknowledgment of the very efficient assistance which he gave, with the vessel under his command, to the Spanish schooner Catagenera, in the waters of the Parana," on the twenty-sixth, twenty-seventh, and twenty-eighth of October, eighteen hundred and fifty-five.

Approved April 7, 1858.

A resolution authorizing suitable acknowledgments to be made by the President to the British naval authorities at Jamaica, for the relief extended to the officers and crew of the United States ship "Susquehannah" disabled by yellow fever.

That the President be, and he is hereby, authorized and requested to cause suitable acknowledgments to be made on the part of this Government to Admiral Sir Howston Stewart, of her Britannic Majesty's Navy, and the officers under his command, for their prompt and efficient aid, and generous hospitality, extended to the disabled officers and crew of the United States ship "Susquehannah," on her late arrival at Port Royal, in the Island of Jamaica, with the yellow fever on board; on which occasion, besides placing the navy hospital, with an adequate corps of medical officers, nurses, and attendants, at their service, eighty-five of the sick officers and crew of the "Susquehannah" were safely and promptly conveyed on shore with the aid of the boats of the British squadron, and the lives of the greater portion of them thereby probably saved. And that the President be further requested to cause a gold medal, with appropriate devices, to be presented, on behalf of this Government, to Assistant-Surgeon Frederick A. Rose, of the British navy, who volunteered, with the permission of his commanding officer, to join the "Susquehannah," and, at imminent personal risk, devoted himself, on the voyage from Jamaica to New York, to the care of the sick remaining on board. And that the President cause suitable testimonials to be in like manner presented to the medical officers, in the British service, in attendance at the hospital, with appropriate rewards to the nurses and other attendants there, whilst occupied by the officers and crew of the "Susquehanna."

Approved May 11, 1858.

Joint resolution authorizing Commander M. F. Maury to accept a gold medal awarded to him by the Emperor of Austria.

That Commander M. F. Maury, of the United States navy, be, and he is hereby, authorized to accept the great gold medal of the arts and sciences recently presented to him by his Majesty the Emperor of Austria.

Approved June 5, 1858.

A resolution authorizing certain officers of the Navy to accept presents offered them by the Japanese government.

That Captain W. W. McKean, commnnder of the United States steam frigate Niagara, and such of the officers of that vessel during her late voyage to Japan, and other officers of the navy as may yet remain in the service of the United States, be authorized to accept the presents recently transmitted to this Government for presentation to them by the government of Japan.

Approved July 25, 1862.

Joint resolution giving the consent of Congress to the acceptance by Captain M. F. Maury and Professor A. D. Bache, of gold medals from the Sardinian government.

That Captain M. F. Maury and Professor A. D. Bache,* be, and they are hereby, authorized to accept, respectively, a gold medal tendered to each of them by the Sardinian government, as a mark of its appreciation of their scientific labors and achievements.

Approved February 14, 1859.

A resolution giving the consent of Congress to Captain Wm. B. Shubrick to accept a sword presented to him by Captain General and President Urquiza, of the Argentine Confederation.

That the consent of Congress be granted to Captain Wm. Branford Shubrick, flag-officer, late commanding-in-chief the squadron on the coast of Brazil, and the Paraguayian expedition, to accept a sword presented to him by his Excellency Justo Jose de Urquiza, Captain General and President of the Argentine Confederation, as a mark of his appreciation of the "distinguished character" of that officer—said sword having been worn by the President on the occasion of signing the new act of confederation of the Argentine States.

Approved Febrnary 24, 1860.

A resolution authorizing Captains William L. Hudson and Joshua R. Sands to accept certain testimonials awarded to them by the Government of Great Britain.

That Captains William L. Hudson and Joshua R. Sands, of the navy of the United States, be, and they are hereby, authorized to accept the snuff-box and medal recently transmitted to this Government by the government of Great Britain, to be presented to each of said officers, as memorials of their services in laying down the telegraphic cable.

Approved May 9, 1860.

A resolution authorizing Lieutenant T. A. M. Craven, United States Navy, to receive certain marks of distinction tendered him by the Spanish government.

That Lieutenant T. A. M. Craven, of the Navy of the United States, be, and he is hereby, authorized to accept from the Spanish Government a medal and diploma tendered him in acknowledgment of the service rendered by him to the seamen of the Spanish vessel "Bella," wrecked on Cayo Gunichos in June last.

Approved February 13, 1861.

Joint resolution authorizing Commodore H. Paulding to receive a sword awarded to him by the Republic of Nicaragua.

That Commodore H. Paulding, of the United States Navy, be, and he is hereby, authorized to accept the sword presented to him by the republic of Nicaragua.

Approved March 2, 1861.

A resolution authorizing Captain Wm. L. Hudson of the United States Navy to accept a diamond brooch for his wife presented by the Emperor of Russia.

That Captain Wm. L. Hudson of the United States Navy be, and he is hereby, authorized to accept for his wife a diamond brooch, presented to her by the Emperor of Russia as a mark of the appreciation by that government of the courtesy extended to the officers of the Russian service on board the United States ship Niagara during the laying of the Atlantic Cable.

Approved March 2, 1861.

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*A resolution of August 30, 1856, authorized Prof. A. D. Bache to accept a gold medal from the King of Sweden.

A resolution authorizing the acceptance of a certain testimonial from the Government of Great Britain.

That Surgeon Solomon Sharp, of the Navy of the United States, be, and he is hereby, authorized to accept the piece of plate recently presented to him by the government of Great Britain, as a mark of high appreciation of the unremitting attention and kindness shown by him to certain officers of the British ship Greyhound, while in the naval hospital under his charge at Norfolk, Va.

Approved June 7, 1864.

A resolution authorizing the acceptance of a sword of honor from the government of Great Britain by Captain Henry S. Stellwagen, of the United States Navy.

That Captain Henry S. Stellwagen, of the navy of the United States, be, and he hereby is, authorized to accept the sword of honor recently presented to him by the government of Great Britain, as a mark of their gratitude for the assistance rendered by him, while in command of the frigate Constellation, to the British brigantine Mersey, when in a disabled condition.

Approved March 3, 1865.

A resolution authorizing Commodore William Radford to accept a decoration from the King of Italy.

That the assent of Congress be, and the same is hereby, given to Commodore William Radford, of the navy of the United States, to accept the decoration of the Equestrian Order of Saint Maurice bestowed upon him by the King of Italy, as a reward for the assistance rendered by him to the Italian frigate Re d'Italia when she got ashore near Long Branch.

Approved April 13, 1866.

A resolution authorizing Rear-Admiral H. Paulding to accept a decoration from the King of Italy.

That Rear-Admiral H. Paulding, of the Navy of the United States, may accept a decoration of the Equestrian Order of Saint Maurice which has been tendered to him by the King of Italy, as a reward for assistance rendered to the Italian frigate Re d'Italia when she got ashore near Long Branch.

Approved April 13, 1866.

A resolution authorizing Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomoh and gunboat Augusta, to accept presents tendered them by the Emperor of Russia.

That Gustavus V. Fox, late Assistant Secretary of the Navy, and the officers of the iron-clad Miantonomoh and gunboat Augusta, may accept any books or other presents which have been tendered to them by the Emperor of Russia on the occasion of their late visit to Russia. And that the presents hereby authorized to be received may be admitted into the ports of the United States free of duty.

Approved March 2, 1867.

A resolution authorizing Rear-Admiral H. K. Thatcher to accept a decoration from the King of the Hawaiian Islands.

That Rear-Admiral H. K. Thatcher, of the navy of the United States, may accept a decoration of the order of Kamahamaha First, which has be[e]n tendered him by the King of the Hawaiian Islands, as an evidence of his appreciation of that officer.

Approved January 11, 1868.

A resolution authorizing Commander Charles H. Baldwin, United States Navy, to accept a gold meda from the King of the Netherlands.

That Commander Charles H. Baldwin, of the United States navy, be, and he is hereby, authorized to accept a gold medal from the King of the Netherlands, tendered him in appreciation of services rendered to a merchant vessel of that nation in distress.

Approved February 7, 1870.

Resolution authorizing Lieutenant Commander W. A. Kirkland, United States navy, to accept a gold medal from the Emperor of France.

That Lieutenant Commander W. A. Kirkland, of the United States navy, be, and he is hereby, authorized to accept a gold medal from the Emperor of France, tendered him in appreciation of services rendered to the inhabitants of Point[e] à Pitre when that place was visited by a hurricane.

Approved February 7, 1870.

A resolution authorizing Lieutenant Commander Arthur A. Yates, Surgeon Albert L. Gibson, Passed Assistant Surgeon Charles H. White, and Assistant Surgeon Jerome H. Kidder, of the United States navy, to accept decorations from the King of Portugal in recognition of humane services.

That Lieutenant Commander Arthur A. Yates, Surgeon Albert L. Gibson, [Gihon,] Passed Assistant Surgeon Charges H. White, and Assistant Surgeon Jerome H. Kidder, of the United States navy, be, and they are hereby, authorized to accept the decorations tendered them by the King of Portugal, in recognition of humane services rendered by them to an officer of the Portuguese navy.

Approved May 26, 1870.

An act permitting Lieutenant Theodore B. M. Mason, of the Navy, to accept a decoration from the Emperor of Brazil.

That Lieutenant Theodore B. M. Mason, of the Navy of the United States, may accept a decoration of the Order of the Rose, tendered to him by the Emperor of Brazil as a testimonial of the courage and humanity displayed by the said Lieutenant Mason in saving the lives of two of his shipmates in the harbor of Rio de Janerio in February, eighteen hundred and sixty-nine.

Approved March 3, 1873.

An act giving the consent of Congress to the acceptance by James McDonnell, a warrant officer in the United States Navy, of a present from the King of Italy.

That the consent of Congress be, and hereby is, granted to James McDonnell, a warrant officer in the Navy of the United States, to accept from the King of Italy, a silver medal, for assistance rendered on the twenty-fifth of June, eighteen hundred and seventy-three, in the port of Callao, Peru, to the Italian merchant vessel "Delaide."

Approved February 21, 1874.

An act giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam.

That the consent of Congress be, and the same is hereby, given to the acceptance by the officers of the United States ship Monocacy of the silver medals presented to them by the King of Siam on occasion of the recent interchange of civilities between his majesty and the officers of said ship representing the United States.

Approved June 17, 1874.

[From Naval appropriation act.]

Provided, That the Secretary of the Navy be, and he is hereby, authorized and directed to make, out of any money at his disposal available for that purpose, sufficient and appropriate compensation and acknowledgment to the owners, officers, and sailors of the British whaling and sealing steamers which contributed to the rescue of the survivors of the Polaris, for such rescue, and any loss sustained by reason thereof, and for their humane and hospitable reception, entertainment, and transportation until they were all finally and safely landed in Newfoundland and Scotland.

Approved June 23, 1874.

Joint resolution authorizing Thomas W. Fitch, engineer of the United States Navy, to accept of a wedding present sent to his wife, Mrs. Minnie Sherman Fitch.

That Thomas W. Fitch, engineer of the United States Navy, be, and is hereby, authorized to accept of a wedding present of jewelry sent to his wife, Mrs. Minnie Sherman Fitch, by the Khedive of Egypt as a token of his respect.

Approved February 18, 1875.

Joint resolution authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic.

That Captain C. H. Wells, of the United States Navy, be, and he is hereby, authorized to accept the cross of an officer of the national order of the Legion of Honor, conferred upon him by the President of the French Republic as evidence of his appreciation of that officer.

Approved March 3, 1875.

An act permitting Lieutenant Commander Frederick Pearson of the Navy to accept a decoration from the Queen of Great Britain.

That Lieutenant Commander Frederick Pearson, of the Navy of the United States may accept a decoration of Companion of the Military Division of the Order of the Bath tendered to him by the Queen of Great Britain as a testimonial of the appreciation of Her Majesty's government of the courage and conduct displayed by said Lieutenant Pearson in the attack upon the Japanese forts by the combined fleets of Great Britain, France, the Netherlands and the United States in September, eighteen hundred and sixty-four because of which said Pearson received the thanks of the British Admiral, the senior officer commanding.

Approved March 3, 1875.

INDEX TO PART III.

Arctic expedition in search of Sir John Franklin, authorized to accept medals 309
Augusta, officers of, authorized to accept presents from Emperor of Russia 311
Bache, Prof. A. D., gold medal to, from Sardinian government 310
Baldwin, Commander C. H., gold medal from the King of the Netherlands 311
Craven, Lieut. T. A. M., marks of distinction from Spanish government 310
Fox, G. V., presents from Emperor of Russia 311
Fitch, Engineer T. W., wedding presents from Khedive of Egypt 312
Gihon, Surg. A. L., decoration from King of Portugal 312
Harrison, Surg. James F., gold medal from Emperor of France 308
Hartstene, Commander H. J., tokens from Great Britain 308
Herndon, Commander Wm. L., recognition of services of 307
Hudson, Capt. W. L., present from Great Britain 310
diamond brooch from Emperor of Russia 310
Jeffers, Lieut. William N., sword from Queen of Spain 309
Kane, Dr. E. K., and others, tokens from Great Britain 308
medals to 309
Kirkland, Lieut. Commander W. A., gold medal from Emperor of France 311
Kidder, Surg. J. H., decoration from King of Portugal 312
Missouri, recognition of assistance to the officers of the 307
Maury, Lieut. M. F., medal from King of Sweden 307
gold medal from Emperor of Austraia 309
gold medal from Prussia, Holland, and Bremen 308
gold medal from Sardinian government 310
Morrison, Master George F., token from Great Britain 308
McKean, Capt. W. W., and others, presents from Japanese government 309
Miantonomoh, presents from Emperor of Russia to the officers of the 311
Mason, Lieut. T. B. M., decoration from Emperor of Brazil 312
McDonell, Gunner James, silver medal from King of Italy 312
Monocacy, presents from King of Siam to the officers of the 312
Paulding, Commodore H., sword from Republic of Nicaragua 310
decoration from King of Italy 311
Pearson, Lieut. Commander Frederick, decoration from Queen of Great Britain 313
Polaris, acknowledgments to rescuers of the crew of the 312
Resolute, restoration of, to the British government 307
Rose, Asst. Surg. F. A., of British navy, gold medal voted to 309
Radford, Commodore William, decoration from the King of Italy 311
Somers, medals to foreign officers, &c., for rescuing the crew of the 307
Susquehanna, acknowledgments for aid to officers and crew of 309
Shubrick, Capt. W. B., sword from President Urquiza 310
Sands, Capt. J. R., presents from Great Britain 310
Stellwagen, Capt. H. S., sword from Great Britain 311
Sharp, Surg. Solomon, plate from Great Britain 310
Trenchard, Lieut. S. D., token from Great Britain 308
Thatcher, Rear-Admiral H. K., decoration from King of the Hawaiian Islands 311
Williamson, Surg. Thomas, gold medal from Emperor of France 308
White, Passed Asst. Surg. C. A., decoration from King of Portugal 312
Wells, Capt. C. H., decoration from the President of the French Republic 312
Yates, Lieut. Commander A. R., decoration from King of Portugal 312

PART IV.

GENERAL RELIEF ACTS, ETC.

An act for the relief of the widows and orphans of certain persons who have died in the naval service of the United States.

That the widows, if any such there be, and in case there be no widow, the child or children of the officers, seamen, and marines, who were in the service of the United States, and lost in the ship Insurgent and brigantine Pickering, shall be entitled to, and receive out of any money in the treasury not otherwise appropriated, a sum equal to four months' pay of their respective husbands or fathers, as aforesaid.

Approved April 29, 1802.

An act respecting the late officers and crew of the sloop of war Wasp.

Whereas, there is reason to apprehend that the sloop of war Wasp, an armed ship of the United States, and lately commanded by Captain Johnston Blakely, is lost:

SEC. 1. That there be allowed and paid to the representatives of Captain Johnston Blakely, and of each of the officers and crew aforesaid, as is hereinafter directed, twelve months' wages; and that there be paid to the aforesaid representatives, and to the survivors of said officers and crew, if such there be, the sum of fifty thousand dollars, to be distributed as prize-money for the capture and destruction, by said sloop of war, of the British armed vessels Reindeer and Avon.

SEC. 2. That the distribution of said wages and compensation shall be as follows, viz: one-third to the widow, and two-third parts to the children of the deceased; and in case there be no child, the whole to the widow; and if there be no widow, then to the child or children; and if there be neither widow nor child, then to the parent or parents; and if there be no parent, then to the brothers and sisters; and if there be neither brother nor sister, then such share or shares not claimed as aforesaid, shall be and remain part of the navy pension fund; and the sums aforesaid shall be paid out of any moneys in the treasury not otherwise appropriated: *provided*, That in all cases in which there shall be only one child, the widow shall have an equal share with the child.

Approved April 20, 1816.

An act for the relief of the widows and orphans of the officers, seamen, and marines, who were lost in the United States' brig Epervier.

That the widows, if any such there be, and in case there be no widow, the child or children, if there be no child, then to the parents or parent, and if there be no parent, then to the brothers and sisters, of the officers, seamen, and marines, who were in the service of the United States, and lost in the brig Epervier, shall be entitled to, and receive, out of any money in the treasury not otherwise appropriated, a sum equal to six months' pay, of their respective deceased relatives aforesaid, in addition to the pay due to the said deceased on the fourteenth day of July, one thousand eight hundred and fifteen, to which day the arrears of pay due the deceased shall be allowed and paid by the accounting officers of the navy department.

Approved March 3, 1817.

An act for the relief of the widows and orphans of the officers, seamen, and marines, of the sloop of war Hornet.

That the widows, if any such there be, and in case there be no widow, the child or children; and if there be no child, then the parent or parents; and if there be no parent, then the brothers and sisters of the officers, seamen, and marines, who were in the service of the United States, and lost in the United States' sloop of war Hornet,

shall be entitled to, and receive, out of any money in the treasury not otherwise appropriated, a sum equal to six months' pay of their respective deceased relatives, aforesaid, in addition to the pay due to the said deceased, on the tenth day of September last, up to which day the arrears of pay due the deceased shall be allowed and paid by the accounting-officers of the navy department.

Approved April 24, 1830.

An act for the relief of the widows and orphans of the officers and seamen who were lost in the United States schooner the Sylph.

That the widows, if any such there be, and in case there be no widow, the child or children; and if there be no child, then the parents or parent; and if there be no parent, then the brothers and sisters of the officers and seamen who were in the service of the United States, and lost in the schooner Sylph, shall be entitled to, and receive, out of any money in the treasury not otherwise appropriated, a sum equal to six months' pay of their respective deceased relatives aforesaid, in addition to the pay due to the said deceased on the fifteenth day of August, one thousand eight hundred and thirty-one, to which day the arrears of pay due the deceased shall be allowed and paid by the accounting-officers of the navy department.

Approved March 2, 1833.

An act for the relief of the widows and orphans of the officers, seamen and marines of the United States schooner Grampus, and for other purposes.

SEC. 1. That for the purpose of fixing the time at which shall commence the pensions, under the existing laws, of the widows of the officers, seamen, and marines, who were lost in the United States schooner Grampus, as well as the time to which the pay of said officers, seamen, and marines, shall be allowed, the twentieth day of March, one thousand eight hundred and forty-three, shall be deemed and taken to be the day on which the said schooner Grampus foundered at sea; and that, for the like purposes, the first day of May, one thousand eight hundred and thirty-nine, shall be deemed and taken to be the day on which the United States schooner Sea Gull was lost in like manner.

SEC. 2. That if any of the said officers, seamen, or marines, shall have left no widow, or having left a widow she shall have died before the passage of this act, and there shall be living at the date of the passage of this act, a child or children of said officers, seamen, or marines, under sixteen years of age, such child or children shall be entitled to the same pension to which the widow, had there been one as aforesaid, would have been entitled, for the like period of five years; but in case of the death or intermarriage of the widow before the expiration of the said term of five years, the said pension, for the remainder of the said term, shall go to the child or children of the said deceased officer, seaman, or marine: *Provided*, That such pension shall cease upon the death of such child or children. * * *

Approved June 15, 1844.

An act for the relief of the widows and orphans of the officers, seamen, and marines of the brig of war Somers.

Whereas, the United States brig of war Somers was foundered at sea, in the offing of the harbor of Vera Cruz, while engaged, under very hazardous circumstances, in the prosecution of hostilities against an enemy of this republic: Therefore,

That the widows, if any such there be, and in case there be no widow, the child or children, and if there be no child, then the parent or parents, and if there are no parents, to the brothers and sisters who were minors and under the age of eighteen years at the time of said loss of the officers, seamen, and marines who were in the service of the United States, and lost in the United States brig of war Somers, shall be entitled to, and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel.

Approved August 14, 1848.

An act for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop of war Albany, and for other purposes.

SEC. 1. That for the purpose of fixing the time at which shall commence the pensions, under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others, in the service, who were lost in the United States sloop of

war Albany, as well as to the time to which the pay of said officers, seamen, marines, and others, in service, shall be allowed, the eighteenth day of April, one thousand eight hundred and fifty-five, shall be deemed and taken to be the day on which the said sloop of war Albany foundered at sea; and that, for the like purposes, the twenty-ninth day of June, one thousand eight hundred and fifty-five, shall be deemed and taken to be the day on which the United States brig Porpoise was lost in like manner.

SEC. 2. That the widow, or child, or children, and in case there be no widow, or child, or children (as aforesaid), then the parent or parents, and if there are no parents, the brothers and sisters, of the officers, seamen, marines, and others, in service, who were lost in said sloop of war Albany and brig Porpoise, including captain's clerk and assistant draughtsman, shall be entitled to and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessels respectively. * * *

Approved August 1, 1856.

An act for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war Levant, and for other purposes.

That, for the purpose of fixing the time at which shall commence the pensions under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others, in service, who were lost in the United States sloop-of-war Levant, as well as the time to which the pay of said officers, seamen, marines, and others in the service, shall be allowed, the thirtieth day of June, one thousand eight hundred and sixty-one, shall be deemed and taken to be the day on which the said sloop-of-war Levant foundered at sea.

SEC. 2. That the widow, or child, or children, and in case there shall no widow, or child, or children, (as aforesaid,) then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others, in service, who were lost in said sloop-of-war Levant, including captain's clerk and assistant draughtsman, shall be entitled to, and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel. * * *

Approved July 24, 1861.

An act to provide for the equitable settlement of the accounts of the officers and crews of the frigate Congress and other vessels.

That the proper accounting officers of the treasury be, and they hereby are, authorized and directed to settle, upon the principles of justice and equity, the accounts of the officers, sailors, marines, and crews of the United States frigate Congress, the sloop Cumberland, and of any other vessel or vessels-of-war, the books of which were lost or destroyed in consequence of the naval engagements at Hampton Roads on the eighth and ninth of March, anno Domini one thousand eight hundred and sixty-two.

SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized to furnish to the sailors, marines, and crews of any of the vessels engaged in the naval actions in the foregoing section mentioned, whose bedding, clothing, or other property was lost or destroyed therein, with an amount sufficient to cover their losses, and not exceeding sixty dollars to each man, to be paid in kind or in money, at the discretion of the flag-officer of the North Atlantic squadron.

Approved April 2, 1862.

A resolution for the relief of the officers, non-commissioned officers, and privates of the battalion of marines on board the transport Governor, on the third of November, eighteen hundred and sixty-one.

That the sum of seven thousand one hundred and sixth-three dollars and fifty-one cents be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to compensate the officers, non-commissioned officers, and privates who composed the marine battalion attached to the Port Royal Naval Expedition under Flag-Officer DuPont, for the losses of their personal effects by the foundering of the steamer Governor, in which they were embarked, on the third of November last; and that the Secretary of the Navy cause the said sum, or so much thereof as may be necessary, to be paid to them according to the estimated value of their personal effects lost in the manner aforesaid.

Approved July 11, 1862.

An act for the relief of the widows and orphans of the officers, seamen, and marines of the United States ships Cumberland and Congress.

That the widow, or child, or children, and in case there shall be no widow, or child, or children, then the parent, or parents, and if there be no parents, the brothers and sisters of the officers, seamen, and marines, and others in service who were lost in the United States ships Cumberland and Congress, including captains' clerks, shall be entitled to and shall receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessels.

Approved July 11, 1862.

A resolution to compensate the crew of the United States steamer Varuna for clothing and other property lost in the public service.

That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, and others of the crew of the United States steamer Varuna, which was sunk during the engagement near New Orleans on or about the twenty-fourth day of April, eighteen hundred and sixty-two, to credit each of them with the amount of sixty dollars to cover their losses of bedding, clothing, and other property, occasioned by the sinking of the said steamer.

Approved July 11, 1862.

Joint resolution to compensate the sailors on the gunboat Cairo for loss of clothing.

That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, sailors, and others of the crew of the United States gunboat Cairo, to allow to each a sum not exceeding fifty dollars as a remuneration for the damage they may have sustained in the loss of their clothing by the destruction of said vessel in December last.

Approved February 13, 1863.

Joint resolution to compensate the crew of the United States steamer Monitor for clothing and other property lost in the public service.

That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, and others of the crew of the United States steamer Monitor, which was wrecked near Cape Hatteras, on or about the 30th day of December, eighteen hundred and sixty-two, to credit each of them with the amount of sixty dollars to cover their losses of bedding, clothing, and other property, occasioned by the sinking of said steamer.

Approved March 3, 1863.

Joint resolution relative to the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati.

That the proper accounting officers of the Treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati, to allow each of them all back pay, and a sum, not exceeding fifty dollars, for loss of clothing and other property by the sinking of the said vessel in the Mississippi river, near Vicksburg, on the twenty-seventh day of May, eighteen hundred and sixty-three.

Approved April 19, 1864.

An act fixing the date of the loss of the United States brig "Bainbridge," and for the relief of officers, seamen, and marines of the same, and for other purposes.

That for the purpose of fixing the time at which shall commence the pensions, under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others in service who were lost in the United States brig "Bainbridge," as well as the time to which the pay of said officers, seamen, marines, and others in the service shall be allowed, the twenty-first day of August, in the year one thousand eight hundred and sixty-three, shall be deemed and taken to be the day on which the said brig "Bainbridge" foundered at sea.

SEC. 2. That the widow, or child, or children, and in case there shall be no widow, or child, or children, as aforesaid, then the parent or parents, and if there be no

parents, the brothers and sisters of the officers, seamen, marines, and others in service, who were lost in said brig "Bainbridge," shall be entitled to and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations, aforesaid, in addition to the pay due to said deceased at the date of the loss of said vessel.

Approved April 19, 1864.

A resolution to compensate the sailors on the gunboat Baron de Kalb for loss of clothing.

That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, sailors, and others of the crew of the United States gunboat Baron de Kalb, to allow to each a sum not exceeding fifty dollars as a remuneration for the damage they may have sustained in the loss of their clothing by the destruction of said vessel, to be paid out of any money in the treasury not otherwise appropriated.

Approved June 7, 1864.

An act relating to captures made by Admiral Farragut's fleet in the Mississippi River in May, (1862,) eighteen hundred and sixty-*eight* [two.]

That the vessels attached to or connected with Admiral Farragut's fleet in the river Mississippi, which participated in the opening of that river, and which resulted in the capture of New Orleans in the month of May, eighteen hundred and sixty-two, and which by law would have been entitled to prize-money in the captures made by said vessels, shall be now entitled to the benefits of the prize-laws in the same manner as they would have been had the district court for the eastern district of Louisiana been then open and the captures made by said vessels had been libelled therein; and any court of the United States having admiralty jurisdiction may take and have cognizance of all cases arising out of said captures, and the same proceedings shall be had therein as in other cases of prize.

SEC. 2. That the shares in such captures awarded to the officers and men entitled to prize shall be paid out of the Treasury of the United States.

Approved March 3, 1869.

Joint resolution directing an inquiry into the loss of the United States steamer "Oneida."

Whereas, on the twenty-fourth day of January last, the United States steamer "Oneida," when leaving the port of Yokohama, Japan, came in collision with the British Peninsular and Oriental mail steamer "Bombay," and sunk almost instantly, with the loss of nearly all her officers and the greater part of her men; and whereas the Navy Department has been unable, in answer to a request of the House of Representatives, to communicate any detailed or satisfactory information touching the circumstances of the loss, beyond its extent and the number of casualties; and whereas it appears that no full and impartial and satisfactory investigation has been made into the causes of the disaster, or into the conduct of the parties implicated in it: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy shall, with the least practicable delay, order an inquiry to be made into the particulars of the loss of said United States steamer "Oneida," and of her officers and men, including the subsequent conduct of the captain of the steamer "Bombay," with a view to ascertain the responsibility for the collision by which she was destroyed, and for the destruction of life which attended the catastrophe, and make report of the same to Congress.

Approved April 7, 1870.

An act for the relief of the widows and orphans of the officers, seamen, and marines of the United States vessel of war Oneida, and for other purposes.

That the widow or child or children, and in case there be no widow or child or children, then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others in service who were lost in the United States vessel of war Oneida, on the twenty-fourth day of January, eighteen hundred and seventy, shall be entitled to and receive, out of any money in the Treasury not otherwise appropriated, a sum equal to twelve months' sea pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel, and the proper accounting officers of the Treasury Department are hereby authorized to compute said pay up to and including the said twenty-fourth

day of January, eighteen hundred and seventy, the day upon which said vessel was sunk in Yokohama Bay, Japan; and the said accounting officers are hereby authorized, in adjusting the accounts of such of the officers who were lost on board the Oneida as were entitled by law or regulation to examination for promotion, to allow them the increased pay from the date they became entitled to examination, and the Secretary of the Navy is authorized to issue the commissions of those who were confirmed by the Senate.

SEC. 2. That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to settle upon the principles of justice and equity the accounts of the officers, sailors, and marines, and others, including captain's clerk, on board the said vessel of war Oneida, and to assume the last quarterly return of the paymaster of said vessel as the basis of computation of the subsequent credits to those on board to the date of such loss, if there be no official evidence to the contrary.

SEC. 3. That the proper accounting officers of the Treasury Department be, and are hereby authorized and directed to settle the accounts of Thomas L. Tullock, junior, late paymaster in the Navy, who was lost in the said vessel of war Oneida, with all his accounts and vouchers, for expenditures and payments made by him, and with all the money, stores, and supplies, procured for the use of said vessel, and to allow him a credit for whatever sum appears to be due from him on the books of the Department.

Approved May 18, 1870.

An act for the recovery of damages for the loss of the sloop of war Oneida.

That the Secretary of the Navy be, and he is hereby, authorized and directed, after consultation with the Attorney-General, to take such measures, and institute and pursue to final judgment or decree such proceedings at law, or otherwise, as may be needful to obtain full damages and indemnification for the destruction and the loss of the sloop of war Oneida, in the bay of Yeddo, Japan, in January, eighteen hundred and seventy, and to employ such legal counsel in the United States, or abroad, as he may find requisite to accomplish the purposes of this act.

Approved March 3, 1871.

An act for the relief of the children of O. H. Berryman, deceased, and others.

That the Secretary of the Treasury be, and he hereby is, directed, out of any money in the Treasury not otherwise appropriated, to pay to Mrs. Columbia N. Payne, Mrs. Alice Bromwell, Calvert O. Berryman, and William M. Berryman, children of Otway H. Berryman, deceased, and the other officers and crew of the United States schooner Onkahye, the sum of twenty thousand six hundred and sixty-four dollars and sixty-nine cents, being the balance of the prize-money obtained by the capture of the bark Laurens by the said schooner in the year eighteen hundred and forty-eight; and that said sum of twenty thousand six hundred and sixty-four dollars and sixty-nine cents be distributed among said officers and crew in such proportion as shall be designated by the Secretary of the Navy, according to the provisions of the sixth section of the act of April twenty-third, eighteen hundred, entitled "An act for the government of the navy of the United States."

Approved May 28, 1872.

An act for the relief of the officers and crew of the United States steamer "Kearsarge."

That the Secretary of the Navy be, and he hereby is, authorized and directed to pay, out of money hereafter to be appropriated, to Rear-Admiral John A. Winslow, and the officers and crew belonging to the United States steamer "Kearsarge," while engaged in the capture and destruction of the vessel called the "Alabama," on the nineteenth day of June, eighteen hundred and sixty-four, the sum of one hundred and ninety thousand dollars, the same being the estimated value thereof, to be distributed to the officers and crew attached to the "Kearsarge" at the date above named according to the pay-roll of the ship at the time, and to be in lieu of the bounty authorized by the eleventh section of the act of June thirtieth, eighteen hundred and sixty-four, entitled "An act to regulate prize proceedings, and so forth:" *Provided*, That no money shall be paid to the assignee of any of said officers or crew, entitled to receive the same, but only to himself in person, or to his wife, or to his personal representatives, excluding any such assignee: *And provided further*, That if any of the officers or crew of said United States steamer "Kearsarge" shall have received the bounty provided for by the said section eleven of the act of June thirtieth, eighteen hundred and sixty-four, the same shall be deducted from the amount to be paid to such officer or seaman under this act.

Approved April 17, 1872.

An act granting a pension to the widow of the late Admiral Farragut.

That the Secretary of the Interior be, and is hereby, authorized to place the name of Virginia L. Farragut, widow of D. G. Farragut, deceased, late admiral of the United States navy, on the pension roll, and allow and pay her from the interest on the navy pension fund a pension at the rate of two thousand dollars per annum, from and after the passage of this act.

Approved May 28, 1872.

An act authorizing the payment of prize-money to the officers and crew of the United States steamer Bienville.

That the Secretary of the Navy is hereby authorized to direct the proper accounting officers of the Treasury to allow and pay to such persons as were the officers and composed the crew of the United States steamer Bienville on the fifth day of August, eighteen hundred and sixty-four, a sum equal to that to which the officers and crew of said steamer would have been entitled to receive as prize money had the name of said steamer been inserted in the list of the vessels entitled to share in the captures made in the bay of Mobile on said fifth day of August, eighteen hundred and sixty-four, the name of said vessel having been accidentally omitted from said list; said sum to be paid out of the naval pension fund.

Approved May 1[illegible], 1874.

An act for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February twenty-eighth, eighteen hundred and fifty-five.

That all officers now in the Navy, and the widows or heirs of those who have died while attached to the Navy, including the widow of Captain Elisha Peck, relieved by special act of March three, eighteen hundred and seventy-three, who were dropped, furloughed, or retired under the act of February twenty-eighth, eighteen hundred and fifty-five, and who were afterward promoted and restored to the active list of the Navy, under the operations of the act of January sixteenth, eighteen hundred and fifty-seven, or by the President, under the operation of subsequent laws, shall be entitled to receive, out of any money in the Treasury not otherwise appropriated, the difference between the pay respectively received by them and the pay at that time designated by law for officers on the active list of the rank to which they were respectively promoted, for and during the time they were affected by the operation of the said acts of February twenty-eighth, eighteen hundred and fifty-five, and January sixteenth, eighteen hundred and fifty-seven.

Approved January 30, 1875.

An act for the relief of the survivors of the Polaris.

That the proper accounting officers of the Treasury be authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the survivors of the Polaris engaged in the Arctic exploration under command of Captain Charles F. Hall, their widows, or minor children, and in the order named, a sum of money in addition to that already paid, equal in amount to one year's pay which each would have been entitled to respectively if continued in the service, under the rules and regulations prescribed by the Secretary of the Navy for said exploring expedition; and that the sum of three hundred and sixty dollars each be paid to Joe Eberbing and Hans Hendrick, Esquimaux, who rendered valuable assistance to that part of the ship's crew rescued from the ice-floe on or about the thirtieth day of April, eighteen hundred and seventy-three; said payment to be made direct to each individual claimant upon satisfactory evidence of his identity: *Provided*, That if any sale, assignment, or transfer shall be made of any interest in the gratuity provided by this act, the amount so assigned shall revert to the Government of the United States.

Approved March 3, 1875.

An act for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy.

That the proper accounting-officer of the Treasury, in adjusting the amount due Melancthon B. Woolsey, deceased, late a commodore in the Navy, shall, in consideration of the devotion of the said deceased to his public duties, which resulted in his death at Pensacola, Florida, on the second day of October, eighteen hundred and seventy-four, pay to Mrs. Mary L. Woolsey, widow of said deceased, the amount of pay to which the said commodore would have been entitled if he had survived and remained in the public service on waiting orders to the end of the present fiscal year, out of any money appropriated for the pay of the officers of the Navy.

Approved March 3, 1875.

INDEX TO PART IV.

Page.

Albany, act for the relief of widows and orphans of those lost in the 318
Bainbridge, date of the loss of the, fixed 320
twelve months' pay to widows, &c., of those lost in the 320
Baron De Kalb, allowance to crew of the, for loss of clothing 321
Bienville, prize-money to officers and crew of the 323
Cairo, compensation for loss of clothing by petty officers and others, of the 320
Cincinnati, back-pay and compensation to crew of, for loss of clothing 320
Congress, act for settlement of accounts of the 319
twelve months' pay to families of those lost in the 320
Cumberland, act for settlement of accounts of the frigate 319
twelve months' pay to families of those lost in the 320
Epervier, relief of the widows and children of those lost in the 317
Farragut's fleet, prize-money to 321
Farragut, Admiral D. G., pension to the widow of 323
Governor, compensation for loss of effects in the 319
Grampus, widows and children of officers and crew of schooner 318
Hornet, relief of the widows and children of those lost in the 317
Insurgent, relief of widows and children of those lost in the 317
Kearsarge, bounty to officers and crew of the 322
Levant, act for the relief of widows, &c., of those lost in the 319
Monitor, compensation for loss of effects in the 320
Oneida, resolution of inquiry into loss of the 321
relief of the widows and orphans of those lost in the 321
act for recovery of damages for loss of the 322
Onkahye, prize-money to officers and crew of 322
Pickering, relief of the widows and children of those lost in the 317
Polaris, act for the relief of the survivors of the 323
Porpoise, relief of widows, &c., of those lost in the 319
Retired officers, relief of certain, under act of 1855 323
Sea Gull, relief of widows, &c., of those lost in the 318
Somers, relief of widows, &c., of those lost in the 318
Sylph, relief of widows and orphans of those lost in the 318
Varuna, compensation for personal effects lost in the 320
Wasp, relief of the widows and orphans of those lost in the 317
Woolsey, Commodore M. B., act for the relief of the widow of 323

PART V.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA, WITH THE AMENDMENTS.

[Compared with the original in the Department of State, September 17, 1872, and found to be correct.]

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE. II.

SECTION. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice-President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice-President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disabilty be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law, vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or

either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee, from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September, in the Year of our Lord one thousand seven hundred and Eighty-seven and of the Independence of the United States of America the Twelfth.

In Witness whereof We have hereunto subscribed our Names,

G°: WASHINGTON—
Presidt. and deputy from Virginia

New Hampshire	JOHN LANGDON NICHOLAS GILMAN
Massachusetts	NATHANIEL GORHAM RUFUS KING
Connecticut	WM. SAML. JOHNSON ROGER SHERMAN
New York	ALEXANDER HAMILTON
New Jersey	WIL: LIVINGSTON DAVID BREARLEY. WM. PATTERSON. JONA: DAYTON
Pennsylvania	B FRANKLIN THOMAS MIFFLIN ROBT. MORRIS. GEO. CLYMER THOS. FITZSIMONS JARED INGERSOLL JAMES WILSON GOUV MORRIS
Delaware	GEO: READ GUNNING BEDFORD Jun JOHN DICKINSON RICHARD BASSETT JACO: BROOM

Maryland	JAMES MCHENRY DAN OF ST THOS. JENIFER DANL. CARROLL
Virginia	JOHN BLAIR— JAMES MADISON Jr.
North Carolina	WM. BLOUNT RICHD. DOBBS SPAIGHT HU WILLIAMSON
South Carolina	J. RUTLEDGE CHARLES COTESWORTH PINCKNEY CHARLES PINCKNEY PIERCE BUTLER.
Georgia	WILLIAM FEW ABR BALDWIN

Attest WILLIAM JACKSON *Secretary*

The Word, "the", being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erazure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing explanation in the original instrument is placed on the left of the paragraph beginning with the words, "Done in Convention," and therefore precedes the signatures. The interlined and re-written words, mentioned in it, are in this edition printed in their proper places in the text.]

ARTICLES IN ADDITION TO, AND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

[ARTICLE I.]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[ARTICLE II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or

naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[ARTICLE VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

[ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States than according to the rules of the common law.

[ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[ARTICLE XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[ARTICLE XII.]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from

the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

PART VI.

SECRETARIES OF THE NAVY.

Name.	State.	Date of commission.
George Cabot	Massachusetts	May 3, 1798.
Benjamin Stoddert	Maryland	May 21, 1798.
Robert Smith	Maryland	July 15, 1801.
Paul Hamilton	South Carolina	March 7, 1809.
William Jones	Pennsylvania	January 12, 1813.
Benj'n W. Crowninshield	Massachusetts	December 19, 1814.
Smith Thompson	New York	November 9, 1818.
Saml. L. Southard	New Jersey	September 16, 1823.
John Branch	North Carolina	March 9, 1829.
Levi Woodbury	New Hampshire	May 23, 1831.
Mahlon Dickerson	New Jersey	June 30, 1834.
James K. Paulding	New York	June 25, 1838.
Geo. E. Badger	North Carolina	March 5, 1841.
A. P. Upshur	Virginia	September 13, 1841.
David Henshaw	Massachusetts	July 24, 1843.
Thos. W. Gilmer	Virginia	February 15, 1844.
John Y. Mason	Virginia	March 14, 1844.
George Bancroft	Massachusetts	March 10, 1845.
John Y. Mason	Virginia	September 9, 1846.
Wm. B. Preston	Virginia	March 8, 1849.
Wm. A. Graham	North Carolina	July 22, 1850.
John P. Kennedy	Maryland	July 22, 1852.
James C. Dobbin	North Carolina	March 7, 1853.
Isaac Toucey	Connecticut	March 6, 1857.
Gideon Welles	Connecticut	March 5, 1861.
A. E. Borie	Pennsylvania	March 5, 1869.
Geo. M. Robeson	New Jersey	June 25, 1869.

The above dates are from the records of the Department of State. A commission was issued to Jacob Crowninshield, of Massachusetts, March 3, 1805, but it appears he did not serve, and Robert Smith continued a second term.

GENERAL INDEX.

[The inside figures refer to sections, the outside figures to pages.]

A.

Page.

Abandoned Property,
jurisdiction of Court of Claims.....1059 61
appropriation to return proceeds...3689 12
collection, &c., of.....3755 160
Absence.
without leave, from station or duty. art.8 17
from command ..... art. 9 17
before acceptance of resignation..art 10 17
of member of general court-martial.art.46 67
of marine officers 1265 164
granting leave of, to sailors..... 1431 262
from examination, when entitled...1562 231
Absent Debtor,
when claims of United States against, to have priority.....3466 82
Abuse,
of inhabitants, on shore .....art. 8 16
of persons on vessels under convoy art 8 16
Accessories,
to murder, robbery, or piracy upon the high seas.....5323, 5324 206
punishment of.....5533 207
"Accompanying Documents,"
editing of 75 234
number of, to be printed.....3798 234
delivery to Congressional Printer...3810 234
Accrued Pensions,
who to receive, in case of death, &c 4718 195
when pension is unclaimed.....4719 195
Accrued Rights,
not affected by Revised Statutes....5597 249
Acknowledgments,
of transfer, assignment, or power to receive claims..... 3477 40
authority of Court of Claims to take.1071 63
Accounting Officers, (see also *Accounts.*)
not to allow, expenses of commissions, until, &c 3681 11
shall be furnished copy of appointment of inspector of fuel..... .. 3712 116
shall not allow account for fuel, unless..... .... 3713 116
may allow certain judgments against property of United States.....3754 236
Accounts,
by or against United States, where to be settled 236 5
of public expenditures, to be settled within fiscal year..... ...250 5
duty of 2d Comptroller as to Navy..273 6
duty of 4th Auditor as to Navy.....277 6
of disloyal persons, settlement of...3480 40
reference of, to Court of Claims.....1063 62
proceedings in such cases.....1064 62
judgment on, how paid 1065 62
making or using any false, by persons in naval service.....art. 14 17
for expenses of refugees and freedmen 2034 115
of freedmen's hospital 2038 116
making or using any false 3490, 5438 41, 113
public, shall be rendered monthly, &c.....3622 91
of naval paymasters, on foreign stations 3723 57
failing to render, of public moneys received.....5491 97
of lost or captured vessels 284 158
of certain railroads, (see last page of index.)

Page.

Accouterments,
not to be sold, bartered, &c 3748 235
Acting Midshipman, (see *Naval Academy.*)
Acting Assistant Surgeons,
in Navy, appointment of 1411 171
rate of total-disability pension to...4695 190
pension to dependent relative of....4710 194
Action,
neglecting to clear ship for.....art. 4 15
Actions,
not abated by altering terms of district courts 573 137
removal of personal, from State to circuit court 644 145
not abated by changing terms of circuit court 660 146
for deprivation of rights.....1979 36
in cases of conspiracy to deprive, injure, &c., officers or persons 1980 36
for neglect to prevent commission of unlawful acts 1981 37
Acts of Congress,
passed subsequent to Dec. 1, 1873...5601 250
Adjutant and Inspector,
of Marine Corps, authorized.....1596 162
Advancement,
of Navy officers for distinguished conduct 1364, 1506, 1507 161, 231
of line officers, receiving vote of thanks 1508 231
of officers of the Marine Corps.1605–1607 163
Advances of Money,
by paymasters forbidden.....1389 6
to persons in the naval service..... 1563 7
to disbursing officers..... 3648 7
on contracts 3648 7
Advertised Letters,
when indorsed with request to return.3939 212
Advertisements,
for proposals for supplies, &c.....3709 56
for naval supplies 3718, 3721, 3724 56, 57
for naval supplies to be delivered abroad 3723 57
for engraving of maps, &c., to illustrate documents 3780 233
to be published in papers selected by Clerk of House 3823, 3824 7, 8
published in papers of District of Columbia.....3826 8
of Executive Departments.....3828 8
of prize-sales by United States marshal..... .....4628 224
Admiral,
grade of, to cease 1362 161
number on active list.....1363 161
secretary to..... .....1367 263
pay of 1556 162
pay of secretary to.....1556 263
Admiralty,
law of, extended over citizens of United States in certain countries....4086 107
condemnations in, of property used in aid of rebellion.....5309, 5311 133
Affidavits,
making or using false, to obtain payment of claim .... arts. 14, 3490, 5438 17, 41, 113
of homestead applicant.....2290, 2293 122
of widow or heirs of homestead settler..... 2291 122
penalty for procuring, &c., false, in pension cases.....5436 113

Page

Affidavits—Continued.
falsely making, altering, forging, &c.; uttering or publishing as true any false.....5418 113
Africa. (see *Slave-Trade.*)
Agricultural Department, (see *Department of Agriculture.*)
Agents,
no officer or agent of any corporation or firm to act as, &c.....1783 21
to pay money on foreign stations....1550 21
special, to disburse money.....3614 21
public officers not to act as, for claims 5498 42
Agents, Diplomatic,
shall be deemed diplomatic officers 1674 85
Aid, or Executive,
to commanding officers.....1469, 1470 238, 239
to commandant Marine Corps.....1261 164
Alien Convicts,
immigration of, forbidden..... 126
Alien Enemies,
not to be admitted to citizenship.. 2171 176
treatment and disposition of...4067, 4070 8, 9
Aliens,
jurisdiction of courts of suits by 563, 629 136, 140
when allowed to prosecute claim in Court of Claims.....1068 63
may be admitted citizens of the United States.....2165 174
Allegiance,
of naturalized citizens to foreign governments, claim of, disavowed...1992 33
Allegiance, Foreign,
to be renounced by applicants for admission to citizenship.....2165 174
Allowances,
for fuel, quarters, and forage.....1270 164
for travel..... 1566 271
to officers of Marine Corps.....1612 164
for medicines, &c.....1586 172
for funeral expenses.....1587 172
Alloy,
for gold and silver coins.....3514 44
Almanac, (see *Nautical Almanac.*)
Ammunition,
penalty for wasting.....art. 8 16
penalty for stealing, &c.,.....art. 14 18
Amendments,
of appeals to Supreme Court in prize causes..... 1006 222
in what cases allowed to Supreme Court, &c..... 699 148
reviewed by Supreme Court upon 702, 703 149
Amendments to Constitution of U. S.,
to be promulgated by Secretary of State, 205 79
American Citizens,
duty of consular officers as to estates of deceased..... 1709 86
in foreign countries, protection of..2000, 2001 34
aliens may become..... 2165 174
merchant-seamen entitled to protection as, when..... 2174 177
passports to, how granted.....4075, 4078 185
judicial authority of United States ministers and consuls over..4083–4130 107–112
American Ephemeris,
supervision and preparation of.....436 177
American Hemp,
shall be preferred for Navy.....3725 57
American Manufactures,
preference of, in purchase of supplies.....3728 58
American Seamen,
provisions relating to.....4501–4600 253–261
American Vessels, (see *Vessels, Merchant-Vessels.*)
Annual Reports,
time for submitting to Congress.....195 71
when to be furnished to Printer.....196 71
Annuity,
false personation of person entitled to..... 5435 113
endeavoring to obtain, &c., by forged power of attorney.....5436 113

Page.

Appeal,
proceedings of district court in prize causes, after.....565, 4637 221, 226
in prize causes, from district courts to Supreme Court.....695 148
documents and evidence to be received in Supreme Court, in cases of..698 148
to Supreme Court, without regard to amount.....699 148
from decrees of circuit court....692, 693 147
from final decree of district court... 704 149
from final decree of supreme court of District of Columbia.... 705, 706 149
from judgments of the Court of Claims, 707, 708 149
to circuit court, from decision on *habeas corpus*.....763 120
to Supreme Court, from decision of circuit court on *habeas corpus* 764, 765 120
amendments of, in prize causes.1006, 4636 222, 226
in prize causes.....1009, 4636 222, 226
when order of sale in prize cause not prevented by.....4627 224
from consul to minister, in criminal cases.....4089 108
in civil cases, regulation of.....4107 110
security to be given in.....4117 111
ministers to hear and decide appeals 4091 108
further hearing, new trials, &c.... 4091 108
from consular court in China or Japan to minister.....4092 108
to circuit court of California.....4093 108
from minister in China or Japan to circuit court of California..4094, 4095 109
Appraisement,
in prize cases, where the property cannot be sent in..... 4615 222
of property taken for use of United States..... 4624 224
of property delivered on stipulation.4626 224
Appointments,
to fill vacancies during recess of Senate, 1761 275
penalty for accepting, contrary to law..... 1771 276
penalty for making, contrary to law 1772 276
made without advice, &c., of Senate 1774 276
Apportionment,
of Representatives, table of.....20 52
Apprentices—Merchant-service,
disposal of effects of deceased.....4538 256
rules of procedure.....4539 256
penalty for neglect.....4540 257
duty of consuls, &c..... 4541 257
Appropriations,
style and title of acts for..... 11 248
application of, to be reported to Congress..... 260 5
accounts of disbursements to be rendered according to..... 3623 92
communicating estimates of.. 3660, 3672 10–11
accounts of to be kept by register, &c..... 3675 11
to be expended for objects for which made.....3678 11
expenditures shall not exceed.....3679 11
for contingent, not to be used for compensation of clerks, &c.....3682 11
for light-houses, how long available 3685 12
for publishing foreign hydrographic surveys.....3686 12
list of permanent, (Navy).....3689 12
limit as to use of balances of annual 3690 12
disposal of balances of..... 3691 12
proceeds from certain sales, to revert to.....3962 12
to pay judgment against certain property of United States.....3754 236
unexpended balances to be turned in... 13
not to apply to permanent specific..... 13
not to affect existing contracts..... 13
to be reported to Congress..... 13
permanent, for sick, disabled, and destitute seamen.....4545 257
for coast survey, how to be expended.4683 42
no part of, to be paid to certain telegraph companies..... 5266 270

Page.

Appropriations—Continued.
knowingly contracting to pay amount larger than specific sum appropriated, &c 5503 60
not repealed by Revised Statutes.. 5596 249
Arbitration,
between citizens of United States, &c., in certain countries.....4098 109
Arms,
stealing, embezzling, &c .....art. 14 18
of soldiers not to be sold, &c 3748 235
Arrears,
of pay to deceased persons.....274 13
no money to be paid to officers in....1766 13
Arrears of Pension,
when and how paid.....4711 194
Arson,
in forts, dock-yards, navy-yards, &c.5385 13
of magazine, ship-house, vessel, naval stores, &c 5386 14
of vessel of war afloat 5387 14
Articles for the Government of the Navy,
provisions of 1624 14
to be hung up and read.....art. 20 19
Arrest,
in one district for trial in another....739 154
marines exempt from, for debt.....1610 163
punishment in the Navy by.....art. 24 19
duty of officers of the Navy under art..44 67
of foreign ministers, &c., void.....4063, 4064, 4065 106
of alien enemies, when authorized..4067 8
when, to be made on complaint ..4069 9
of foreign seamen, on application of consul 4080, 4081 89
Artificial Limbs,
pension to persons disabled that cannot use 4698 191
who shall have 4787 20
money-commutation for 4788 20
how paid 4789 20
money-compensation to those who cannot use 4790 20
transportation to obtain 4791 20
not allowed to certain pensioners, nor commutation for..... 20
Assault,
punishment for, in the Navy.....art. 8 16
upon a public minister.....4062 105
upon high seas, &c 5346 173
Assignee,
when liable for debts due United States, 3467 82
Assignments,
of wages in the Navy 1576, 1429 21, 262
of claim to be null and void, unless 3477 40
of disloyal contractors 3480 40
of prize or bounty money.....4643 227
Assimilated Rank,
to warrant-officers of the Navy.....1491 285
Assistant Attorneys-General,
appointment, duties, and salaries of..348 73
Assistant Engineers,
number authorized 1390 98
appointment and qualifications of...1391 98
rank of 1476 98
pay of 1556 99
Assistant Naval Constructors,
appointment of cadet engineers as..1403 179
relative rank of, on the active list ..1477 179
pay of 1556 180
Assistant Paymasters of the Navy,
number of, on the active list 1376 187
appointment of, suspended.....1377 187
qualifications 1379 187
bonds of 1383 187
clerks to 1388 187
relative rank of, on active list.....1475 188
pay of 1556 188
Assistant Postmasters-General,
number, appointment, &c.....389 78
Assistant Quartermasters,
of the Marine Corps, number.....1596 162
Assistant Secretary of the Interior,
appointment and salary of.....438 73
duties of 439 73

Page.

Assistant Secretary to the President,
salary of 155 218
Assistant Secretaries of State,
appointment and salaries of 200 79
Assistant Secretaries of the Treasury,
appointment and salaries of.....234 80
general duties of 245 80
delegation of, to sign warrants 246 80
validity of warrants signed by.....247 80
Assistant Surgeons,
number of, on the active list.....1368 171
qualifications for appointment of.. 1370 171
rank of, after delayed examination 1372 171
relative rank of, on active list.....1474 171
pay of 1556 171
qualified for promotion.....1556 172
Assistant Surgeons, Acting,
appointment of.....1411 171
Associate Justices,
of Supreme Court, number of.....673 146
order of precedence of 674 146
when duties of Chief-Justice devolve upon 675 146
salaries of 676 146
Associates, Consular,
in criminal trials.....4106 110
in civil cases.....4107 110
Asylum, (see Hospitals—Insane and Navy.)
Attached Property,
claims of United States to have priority, 3466 82
Attachments,
on removal of suit from State court to circuit court.....646 145
priority of debts due United States in cases of..... 3466 82
of property in which United States claim interest 3753, 3754 236
of goods or chattels of foreign minister, void 4 63 106
penalty for suing out process ... 4064 106
provisions not applicable to minister's servants, &c.....4065 106
pensions not liable to.....4747 198
Attorney-General,
to furnish professional service to Departments 187 40
to be head of Department of Justice 346 73
in case of vacancy, by whom duties performed 347 73
to have control of solicitors, &c.....350 74
to give advice on questions of law to the President.....354 74
land for public buildings, &c., opinion of, required 355 181
opinion of, may be required by heads of Departments 356 74
questions in administration of Navy Department to be sent to 357 74
what questions submitted to, may be re-referred by, to subordinates.. 358 74
argument of cases by, &c 359 74
may require general services from solicitors, &c..... ..... 360 74
officers of the office of the, to perform legal services for other Departments 361 74
to superintend district attorneys and marshals 362 74
to retain counsel to aid district attorneys.....363 75
to provide counsel upon application of Departments or Bureaus.....364 75
counsel-fees allowed on certificate of 365 75
to issue commissions to counsel specially retained.....366 75
may send officers of the Department to attend to suits, &c 367 75
traveling-expenses to officers detailed by, to attend suits 370 75
publication, &c., of opinions by.....383 75
to defend actions against members of Congress 75
to institute proceedings of condemnation in cases of seized property ...5311 133
Attorneys of United States, (see *District Attorneys.*)

Page.

Attorneys,
not to be employed by heads of Departments 189 21
prosecuting claims before Departments to take oath 3478, 3479 40
Government officers not to act as...5498 42
Attorney of Pensioner,
to take oath that he has no interest, &c 4745 198
agreement and fees of 4768 199
pension-agent to forward fee to.... 4769 199
fees of, limited, &c 4785 200
to file with Commissioner duplicate articles of agreement, &c.....4786 201
Auction at the Mast,
of effects of deceased seamen.....4538 256
Auctioneer,
in prize sales.....4628 224
to collect and deposit proceeds....4628 224
commissions allowed to..... 4650 228
Auditors,
duties of 277 6
method of keeping accounts of Navy Department 283 6
to report to Secretary of Navy.....283 6
empowered to administer oaths.....297 6
reference of accounts to Court of Claims, upon certificate of.....1063 62
proceedings in cases so referred..1064 62
duties of, as to balances of appropriations.....3691 12

B.

Bad-Conduct Discharge,
by sentence of court-martial.....art. 30 66
Baggage,
allowance in Navy for transporting 1566 271
Bail,
security for entering special, in case of removal of suit.....639 142
given in State court, to continue in force on removal into circuit court, &c., 641 143
on removal of suits against officers or others 643 144
in suits for making false claims.....3492 41
Bail-Bonds,
in consular courts 4117 111
Balances of Appropriations,
limit as to use of.....3690 12
disposal of 3691 12
unexpended, disposition of 13
Ballots,
votes by, for Representatives 27 52
Battle,
neglecting duties in time of .....art. 4 15
Betrayal of Trust,
punishment for, in the Navy.....art. 4 15
for enticing others to .....arts. 4, 5 15, 16
Beacons,
none to be erected upon any site until cession of jurisdiction 4661 158
when cession of jurisdiction deemed sufficient.....4662 158
preliminary surveys for 4663 158
materials for construction or repair of 4666 158
Beef,
part of Navy ration.....1580 239
fresh or preserved, may be substituted for salt.....1581 240
Bids,
publication of proposals for 3628 8
for furnishing supplies to be advertised for 3709 56
opening and record of 3710 56
for contracts for light-house service 4665 158
falsely making, altering, forging, &c., 5418, 5479 113, 114
Biennial Examinations, (Pensions,)
medical evidence must be furnished by pensioners 4719 195
of invalid pensioners.....4771, 4773 199–200
Commissioner may require more frequent examinations 4772 200

Page.

Biennial Lists,
of officers and employés to be filed in Interior Department 198 71
Biennial Register,
by whom to be compiled, &c..... ....510 21
distribution of 511 22
number of, to be printed and bound.... 22
Bills, Congressional,
number of, to be printed, &c 3791 233
motions to print extra copies of 3793 233
Bills of Exchange,
return of premiums required 3652 33
Binding,
estimates of material and requisitions for 3783 233
what not to be done at Government Printing-Office 3785 233
what to be done at Government Printing-Office 3786 233
on whose order for the Departments.3789 233
form of, for Departments.....3790 233
Boatswains in the Navy,
number and appointment of 1405 285
to be known as warrant officers 1406 285
assimilated rank to.....1491 285
pay of.....1556 285
Bonds,
of officers of the Pay Corps of the Navy.....1383 187
when new bond to be given by ...1384 187
new commissions not to affect 1385 187
naval store-keepers on foreign stations 1439 35
commencement of pay of officers who give.....1560 186
of disbursing agents abroad.....3614 21
Books,
to be third-class mail-matter 3878 208
published, &c., by Congress, weight of, in mail 3879 208
obscene, &c., not mailable.....3893 209
Bounty,
commanding officers to discourage sale of.....1430 262
upon enlistment in the Navy.....1569 262
to marines for re-enlisting 1612 164
due colored soldiers and sailors.....2032 22
appropriation to pay..... 26
for vessels of enemy destroyed 4635 226
awarded to vessels, how distributed 4642 227
assignments of naval, void unless attested 4643 227
to colored soldiers enrolled as slaves 4723 196
for negroes taken from slave-ships..5562 267
Bounty-Fund,
retained, of certain colored soldiers 2035 115
investment of, &c.....2036 115
Bounty-Lands,
warrants for and locations of, may be assigned.....2414 22
warrants for, may be located, &c....2415 22
claims for, by virtue of certain acts, how located 2416, 2417 23
for soldiers of certain wars or their widows, &c.....2418 23
forty acres, for certain soldiers.....2419 23
for militia and volunteers serving between 1812 and 1852.....2420 24
exceptions from foregoing 2421 24
time soldiers held as prisoners of war counted as time of service....2422 24
warrant and patent for 2423 24
warrant to issue to widow..... ...2424 24
marriage of widow not to impair right 2424 24
additional bounty to certain officers, soldiers, &c. 2425 24
classes embraced in preceding section 2426 24
classes embraced without regard to length of service 2427 24
widows and children, when entitled 2428 25
subsequent marriage not to impair her rights 2429 25
who considered minors 2430 25
proof of service, how made.....2431 25

Page.

Bounty-Lands—Continued.
former evidence of right to 2432 25
additional evidence may be required 2432 25
allowance of time to place of muster or discharge 2433 25
deserters not entitled to 2438 25
patent, when warrant is lost 2439 25
omissions in discharge provided for 2440 25
new warrants in place of lost..... 2441 26
fee for prosecuting claim for 4785 200
filing of agreement for prosecuting claim..... 4786 201
demanding greater compensation than allowed by law 5485 201
wrongfully withholding land-warrant for 5485 201
Boys,
in the Navy, enlistment of 1418 261
Branding,
in the Navy forbidden ..... art. 49 67
Bread,
for the Navy 3727 58
Brevet,
to officers of the Marine Corps..... 1604 163
Bribery,
of member of Congress 5450 27
of officer of United States, &c 5451 27
by member of Congress 5500 27
by officer of United States 5501 28
forfeiture of, and disqualification for, office..... 5502 28
Bulbs,
third-class mail-matter..... 3878 208
Bullion,
conveyance of, in vessels..... 4204 280
Bunting,
purchases of, for Navy..... 3721 57
of American manufacture, in open market..... 3729 58
Buoys,
materials for construction or repair of, 4666 158
on coasts, bays, &c., to be colored and numbered..... 4678 159
Bureaus of Navy Department,
establishment and names of 419 77
to have custody of certain books, &c. 420 77
chiefs of, how appointed..... 421 77
who eligible for..... 421–426 77
estimates for, to be furnished to Secretary..... 430 9
staff officers who have been chiefs of, exempt from sea-duty..... 1436 78
title and relative rank of chiefs of.. 1471 78
relative rank of chief of, when below rank of commodore..... 1472 78
rank of officers retired from chief of. 1473 78
pay of chiefs of..... 1565 78
appropriations for, to be kept separate, &c..... 3676 11
Butter for Navy,
not subject to provisions as to advertising, &c..... 3721 57
contracts for, may be for periods longer than one year..... 3721 57
may be in such manner as Secretary deems proper..... 3726 58

C.

Cadet Engineers,
appointment of, as second assistant engineers 1394 99
appointment of, as assistant constructors..... 1403 179
formation of class at Naval Academy. 1522 99
appointment of 1523 99
course of studies..... 1524 99
examination of 1525 100
pay of 1556 100
Cadet Midshipmen, (see also *Naval Academy*,)
students at Naval Academy to be styled, 1512 177
number allowed 1513 177
appointed contrary to law, not to be paid..... 1518 178

Page.

Cadet Midshipmen—Continued.
found deficient at examination..... 1519 178
academic course of 1520 178
promotion of, graduated..... 1521 178
education of, as constructors and engineers 1522 178
pay of 1556 179
Capital Offense, (see *Consular Courts*,)
trial for, by diplomatic officers in certain countries 4090 108
Capital Punishment,
in certain countries, for what offenses citizens of the United States subject to 4102 109
sentence of, how awarded..... 4102 109
warrant for, how issued 4103 109
postponement of, by minister..... 4103 109
in the Navy ..... art. 4 15
Captains in the Navy,
number of, on active list..... 1363 161
pay of..... 1556 162
Captors,
of prizes proper, shares of..... 4630 225
how distributed 4631 225
doing any act with intent to defraud or delay, &c 5441 229
Captures,
jurisdiction of Court of Claims over certain 1059 61
punishment for failing in exertion to make..... art. 4 15
as prize, provisions concerning. 4613–4652 222–228
of property employed in aid of insurrection 5308 133
on account of use, &c., in aid of rebellion 5309, 5311 133
doing any act with intent to defraud, &c., United States or any captor ..5441 114
Captured and Abandoned Property,
contracts for collection of..... 3755 160
prohibition upon trade in..... 5313 134
appropriation for moiety of proceeds of 3689 12
Carpenters in the Navy,
number and appointment of 1405 285
to be known as warrant-officers 1406 285
assimilated rank to..... 1491 285
pay of 1556 285
Cemeteries, National,
burial of soldiers and sailors in..... 4878 28
Centennial Exhibition,
acts in relation to 29, 30
Certificate of Disability,
in case of invalid pensioners..... 4771 199
of two unappointed surgeons not to be taken, except..... 4773 200
Certificates,
making, using, &c., of false, to obtain approval, &c., of claims. art. 14, 5421 17, 113
making, using, by persons not in naval service, of any false, to obtain approval, &c., of claims 3490 41
having in possession any false, &c., with intent to defraud United States 5422 113
delivery of less money or property than described in..... 5438 113
giving, for public property with intent to defraud..... 5438 113
Certified Copies, (see *Evidence.*)
Certified Balances,
provisions concerning 191
Challenges,
punishment for sending..... art. 8 16
Chaplains,
number and appointment of..... 1395 31
qualifications for appointment..... 1396 31
form of conducting worship by. 1397 31
report of services performed by 1398 31
relative rank of, on the active list..1479 31
pay of..... 1556 31
Charges,
copy of, to be furnished to accused art. 43 67
Charts,
disposal of Coast-Survey 4691 43
preparation of, at Hydrographic Office 432 124
sale of, by Hydrographic Office..... 433 124

Page.

Checks,
allowance, when disbursing-officer is dead 300 31
outstanding three years 306 31
payment of outstanding 308 32
duplicates of lost 3646, 3647 32
Cheese for Navy,
purchase, &c., of 3721, 3726 57, 58
Chief Clerks in Departments,
duties of 173, 174 70
Chief Constructor,
Chief of Bureau of Construction and Repair to have title of 1471 78
Chief Engineers, Navy,
number and rank of 1390 98
relative rank of, on the active list.. 1476 98
pay of 1556 99
Chief-Justice of the United States,
allotment of, to circuit 606 138
how often to attend circuit court.... 610 139
exercise of powers, &c., in the circuit of another 618 139
when duties, &c., devolve on associate justice 675 146
salary of 676 146
Children, (see *Pensions,*)
of citizens, born out of United States, citizenship of 1993 33
of deceased alien declarants of intention, citizenship of 2168 176
of naturalized persons, citizenship of, 2172 176
of citizens, born out of United States, citizenship of 2172 176
of colored soldiers, who deemed to be.. 2037 116
of privateersmen, money pledged for support of 4759 203
China,
subjects of, not to be transported as coolies 2158-2161 125
voluntary emigration not impeded.. 2162 125
judicial authority of minister and consuls in 4083-4109 107
Christmas Day,
holiday, in District of Columbia..... 121
Circuit Court,
organization of, &c 605-618 138
jurisdiction of 629-660 140
Citizens of the United States.
officers of vessels of the Navy to be 1428 283
dying abroad, duty of consular officers as to estate of 1709-1711 86
notice of death to be published, &c., 1710 86
equal rights of, in States and Territories 1977 36
equality of property-rights of, in States and Territories 1978 36
action for deprivation of any right, &c., 1979, 1980 36
what persons declared to be .. 1992-1995 33
deserters to forfeit rights of.. 1996-1998 33
claim of foreign allegiance of naturalized, &c., disavowed 1999 33
protection to naturalized, in foreign states 2000 34
unjustly imprisoned by foreign governments 2001 34
right of all, to vote in any State or Territory, without distinction, &c 2, 004 95
not to transport coolies, &c....2158-2163 125
aliens may become 2165 174
may acquire homesteads 2289 121
passports to be granted, &c., only to 4076 185
penalty for granting, to others 4078 185
arrested as foreign seamen, discharge of 4081 89
officers of vessels of United States must be 4131 277
vessels of United States must be owned by 4331 277
usually residing abroad, registry of vessels owned by, when..... 4133 277
hindering, &c., from voting or qualifying to vote 5506 95
conspiring to injure, intimidate, &c., in the exercise of rights or privileges 5508 95

Page.

Citizens of the United States—Continued.
other offenses committed in act of conspiring, &c., as above 5509 95
Citizenship,
of persons born in the United States. 1992 33
of children of citizens born abroad 1993 33
of women married to citizens 1994 33
of persons born in Oregon Territory 1995 33
forfeiture of rights of, by deserters, 1996, 1998 33
for avoiding any draft 1998 33
right of expatriation affirmed. 1999 33
claims of foreign allegiance disavowed, 1999 33
protection to naturalized citizens in foreign countries 2000 34
violation of rights of American, by foreign governments 2001 34
certain deserters relieved of disabilities from loss of 4749 84
selling or disposing of certificates of 5424 34
using, &c., forged or fraudulent certificates of, &c 5425 34
denial of admission to 5425 34
unlawfully using certificates of at elections 5426 34
falsely claiming, for any fraudulent purpose 5428 35
provisions of sections 5424-5428, when applicable 5429 35
Civil Engineers,
appointed of, at navy-yards 1413 35
relative rank of 1478 35
pay of 1556 35
Civil Rights, (see *Elective Franchise.*)
jurisdiction of district courts 563 136
jurisdiction of circuit courts 629 140
removal from State to circuit court of suits 641 143
writ of *habeas corpus* in cases of... 642 144
final judgments or decrees in suits on account of deprivation of 699 148
equal rights of all persons within jurisdiction of United States 1977 36
property-rights of citizens, equality of, 1978 36
deprivation of rights under color of State laws 1979 36
conspiring, &c., to prevent holding office, &c 1980 36
damages to party injured, &c 1981 37
employment of military or naval forces to execute process, &c.. 1989, 5299 37-131
holding persons in peonage prohibited, &c 1990 37
duty of persons in military or civil service in New Mexico 1991 37
execution of treaty provisions respecting, in China, Japan, &c 4085 107
in uncivilized countries, powers of consular officers concerning 4088 108
protection of citizens in the equal enjoyment of inns, &c 38
penalty for denying same 38
process for recovery 38
jurisdiction of court 38
duty of district attorneys 38
penalty for failure in duty 38
no exclusion on jury 39
review in Supreme Court 39
conspiring to injure, oppress, intimidate, &c., any citizen in free exercise of 5508 95
penalty for other offenses committed in act of injuring as above 5509 95
deprivation of any rights, privileges, &c., on account of being an alien, or on account of color or race. 5510 95
obstructing officer charged with execution of process 5516 37
marshal refusing to execute warrant 5517 38
conspiracy to deprive any one of the protection of the laws 5519 135
Civil Service,
regulations for appointment in 1753 39
persons honorably discharged preferred for appointment in 1754 39

	Page.
Civil Surgeons.	
biennial examinations by....4773	200
may be appointed examining surgeons....4777	200
Claim-Agents,	
no fees to, for application for arrears of pension....4711	194
to take oath of allegiance....3478	40
Claims,	
subpœnas to witnesses on claims pending....1?4	39
fees....185	40
compelling testimony....186	40
procurement by department of professional assistance....187	40
restriction on former employés in prosecuting....190	40
assignment of....3477	40
oath to be taken by persons prosecuting....3478, 3479	40
Claims against United States, (see *Court of Claims,*)	
where settled....236	5
jurisdiction of district courts to recover for presenting, &c., false or fraudulent....563	136
using false receipts, vouchers, &c., to obtain approval of....art. 14	17
penalty for allowing salary of civil officer suspended, &c....1762	275
members of Congress and public officers not to prosecute or receive compensation for services relating to....1782–5498	27–42
due colored soldiers and sailors....2032	22
transfer, &c., null and void, unless....3477	40
persons prosecuting, before Departments must take oath....3478, 3479	40
of disloyal claimants not to be paid....3480	40
taking away papers to use in procuring	
making or using false receipt, voucher, &c in obtaining approval of....3490–5498	41, 42
payment of....5454	41
Clear for Action,	
punishment for neglecting to....art. 4	15
Clemency,	
recommendation to....art. 51	68
Clerks in Departments,	
appointment, employment of, &c.161, 194	69–71
Clerks at Navy-Yards,	
authority to discontinue....1416	181, 263
Clerks to Paymasters.	
when allowed....1386, 1387, 1388	187, 188, 263, 264
Clothing, (Navy,)	
for students at Naval Academy....1527	179
proceeds of sale of condemned....3618	253
lost in Navy, appropriation for....3689	12
contracts for....3718, 3722	56, 57
purchases, &c., not to exceed necessities of year....3732	58
Coal and Wood,	
for Government use in District of Columbia....3711, 3713	116
Coal-Depots,	
establishment of, for the Navy, (see end of index)....1552	
Coal-Heavers.	
pay of, in the Navy, how fixed....1569	262
additional to seamen, &c., doing duty as....1570	262
Coffee,	
part of Navy ration....1580	239
substitution of extract for....1581	240
additional ration of....1584	240
Coast-Survey,	
annual report regarding....264	42
survey of coasts of United States to be made within twenty leagues, &c., 4681	42
banks and shoals beyond twenty leagues, &c., to be examined....4682	42
appropriations for Coast-Survey to be expended according to plan, &c 4683	42
officers of Army and Navy to be employed in....4684	42
use of maps, books, apparatus, &c.; employment of astronomers, &c..4685	43

	Page.
Coast Survey—Continued.	
use of public vessels in actual service.4686	43
officers of Army and Navy to be employed in, as far as practicable ...4687	43
subsistence of officers and men of Army and Navy employed on....4688	43
salary of Superintendent of....4689	43
report of, to Congress....4690	43
disposal of maps and charts of....4691	43
Coin,	
counterfeiting, &c., gold and silver 5457	47
making, &c., imitations of....5458	47
defacing, mutilating, &c....5459	47
debasement, &c., of....5460	47
embezzlement of, by officers, &c....5460	47
Coins,	
making, without authority, gold or silver, 5461	48
making, without authority, any, &c., to be used as money, &c....5462	48
denomination, weight, &c 3511, 3513–3515	43, 44
certain abraded, to be recoined.... 3512	44
denominations not to be issued....3516	44
devices and legends on....3517	44
deviations allowed in....3535, 3537	44
twenty-cent piece authorized....	48
Collisions,	
rules to prevent....4233	48
Color,	
no denial of elective franchise on account of....1860	95
all citizens to have right to vote without distinction of....2004	95
Colored Soldiers and Sailors,	
laws as to payment to, of bounty, prize-money, &c., made permanent 2032	115
bounty to, appropriation for....	26
evidence of marriage in case of, under pension-laws....4705	192
enrolled as slaves to have pension..4723	196
retained bounty-fund of certain.2035, 2036	115
wives and children of, who deemed to be, 2037	116
Colors,	
taken by Navy from enemies, disposition of....1554	105
preservation and display of....1555	105
Combination,	
to weaken lawful authority of commanding officer....art. 8	16
Commandants of Navy-Yards,	
selection of....1542	181
Commanders, (Navy,)	
number of, on active list....1363	161
pay of....1556	162
may command navy-yards....1542	181
may be assigned to command of a squadron....1434	161
Commanding Officers of the Navy,	
to send home men at expiration of enlistment....1422	261
to forward list of men entitled to honorable discharge....1429	262
to discourage sale, by crew, of prize-bounty and wages....1430	262
in granting leave to favor the faithful and obedient....1431	262
not required to perform duties of paymaster....1432	188
authorized to exercise consular powers, 1433	85
precedence of, over officers under their command....1468	238
aid or executive to....1469	238
duty of example, supervision, and correction....art. 1	14
to forward list of persons entitled to prize-money....art. 15	229
to make entry on ship's books of men received....art. 20	18
to transmit list of crew, officers, and passengers....art. 20	18
to note deaths and desertions ... art. 20	18
to secure property of persons dying....art. 20	18
not to receive men without transfer-account....art. 20	18

Page.

Commanding Officers of the Navy—Continued.
to furnish men sent from ship with their accounts ..... art. 20 18
to cause frequent inspections of provisions ..... art. 20 18
to use means to preserve health of ship's crew ..... art. 20 18
to attend paying off of crew ..... art. 20 19
to hang up and have read articles governing the Navy ..... art. 20 19
punishment of, for neglecting duties prescribed by art. 20 ..... art. 20 19
what punishments may be inflicted by ..... art. 24 19
punishments by, to be entered on ship's log ..... art. 24 19
of vessel taking prize, duties of 4615 222
to make claim for share in prize 4616 222
share in prize-money 4631 225
not entitled in certain cases 4633 226
Commercial Agents, (see *Consuls*.)
Commercial Intercourse,
between States in insurrection, &c 5301 132
in parts of State not declared to be in insurrection 5302 132
suspension of, between States in cases of insurrection 5303 132
with part of State in insurrection 5304 132
Commissioner of Agriculture,
appointment and salary of 521 72
to appoint chief clerk and certain scientific persons 523 72
chief clerk to act in absence of 523 72
to have custody of property, records, &c., of Department 525 72
duties of 526 72
what seeds, plants, &c., may be purchased by 527 72
Commissioner of Pensions, (see *Pensions*.)
Commissioners, Diplomatic,
shall be deemed diplomatic officers 1674 85
Commissioners of Court of Claims,
power to appoint 1070 63
examination of claimant before 1080 64
Commissioners, Prize, (see *Prize Commissioners*.)
Commissions and Inquiries,
expenses of, not to be paid until, &c 3681 11
Commissions, Official,
delivery, after adjournment of Senate, to officers appointed by advice, &c., of 1773 276
Commodores,
number of, on active list 1363 161
examination of, before promotion 1497 230
pay of 1556 162
Commutation,
of Navy ration, price 1585 240
Co-operation,
of Navy and Marine Corps with Army 1135 60
Compensation, (see *Pay*.)
for extra services not allowed unless expressly authorized 1764 104
none to persons in arrears 1766 13
estimates for, shall be founded on express provisions of law 3662 10
not to be paid from contigent, &c., appropriations 3682 11
in prize-cases, allowance of, to clerk of district court 4644 227
to district attorney and prize-commissioner 4646 228
maximum, to be allowed 4647 228
of special counsel in prize-cases 4648 228
Comptroller of the Treasury,
reference of certain accounts to Court of Claims 1063 62
proceedings in such cases 1064 62
to institute suits against persons accountable for public moneys 3624 92
to certify to Solicitor the accounts of delinquent officers 3625, 3633 93, 94
duties and powers of Second 273, 283 6
certificates as to balances 191 5
to regulate payment of arrears of pay 274 13
Condemned Clothing,
proceeds of sale of certain, not to be covered into Treasury 3618 253

Page.

Condemned Stores,
disposal of proceeds of 3692 12
proceeds of, shall be deposited in Treasury, &c. 3618 253
statement of proceeds of, in Book of Estimates 3672 11
Confinement,
punishment by commanding officer art. 24 19
by officers temporarily commanding 25 19
by summary court-martial ..... art. 30 65
Confiscation,
of property taken as prize, &c., on account of use, &c., in aid of insurrection 5308, 5309, 5311 133
Congress,
election of Senators 14–19 51
apportionment of Representatives 20–27 52
when and how place of meeting may be changed 34 54
count of electoral votes by 142 217
testimony before not to be used in criminal proceedings, &c. 859 54
engravings, &c., for documents ordered by 3779 233
regular number of bills, &c., to be printed for 3791 233
"usual number" of documents ordered by, to be printed 3792 233
motion to print extra copies, how referred 3793 233
House first ordering printing to notify the other 3794 233
propositions to print extra copies, &c., 3795 233
number to be printed for use of, of certain documents 3798 234
bribery of any member of 5450 27
of any officer of 5451 27
acceptance of bribe by member of 5500 27
forfeiture of, and disqualification for office 5502 28
fraudulent voting for members of 5511 53
Congressional Directory,
compilation of 77 55
when to be printed and ready for distribution 3801 55
Congressional Investigations,
witnesses in, by whom sworn 101 54
refusing to testify, penalty 102 54
when not privileged 103 54
proceedings against witnesses refusing to testify in 104 54
Congressional Printer,
to procure engravings, &c., for maps, &c. 3779, 3780 233
to be accountable for material 3783 233
to determine form and style of printing and binding, &c., for the Departments 3790 233
to print copies of documents in addition to "usual number" 3796 233
to keep an account with each Department of printing, &c. 3802 234
how to furnish extra copies of documents to private persons 3809 234
when to deliver to Congress annual reports, President's message, &c., 3810 234
books and documents, to deliver, to Secretary of the Interior 3813 234
to render quarterly accounts to Secretary of the Treasury 3815 235
election and title of 235
number of Department reports to print 235
Congressional Record,
may be franked 211
Conspiracy,
jurisdiction of district courts in suits for injuries by, against civil rights 563 136
jurisdiction of circuit courts of suits on account of injuries from 629 140
final judgments or decrees of circuit courts in suits on account of 699 148
against the civil rights of citizens, action for 1980 36
for neglect to prevent commission of wrongful acts 1981 37

	Page.
Conspiracy—Continued.	
to be suppressed by use of land and naval forces 5299	131
to deter party or witness from attending or testifying in court of United States 5406	135
to impede, &c., the due course of justice, &c. 5407	135
to hinder any citizen from voting....5506	95
to injure, oppress, intimidate, &c., any citizen in free exercise of rights or privileges, &c..... 5508	95
punishment of offenses committed in act of 5509	95
to prevent any person from accepting or holding office 5518	135
to deprive any person or class of persons of equal protection of laws, &c..5519	135
to prevent election of electors of President, &c., or of member of Congress 5520	53
by persons in naval service to defraud, art. 14	17
to defraud United States by false or fraudulent claims 3490	41
by any person, punishment for.....5438	113
to overthrow Government of or levy war against United States 5336	273
all parties to a, equally guilty 5440	114
Constitution of the United States,	
oath of Government officers to support the..... 1756	184
deprivation of rights secured by ...1979	36
aliens applying for admission to citizenship to make oath to support..2165	174
Construction and Repair Bureau,	
chief clerk and draughtsman of 416	76
establishment of 419	77
appointment of Chief of.....421–423	77
relative rank and title of Chief,....1471	78
of retired Chief 1473	78
Consular Agents,	
title, what to denote, &c. 1674	85
Consular Courts,	
judicial authority vested in ministers and consuls to certain countries...4083	107
criminal jurisdiction, scope of, &c..4084	107
civil jurisdiction in execution of treaty provisions, &c..... 4085	107
jurisdiction, civil and criminal, how exercised and enforced..... 4086	107
consul's warrant for arrest of offenders, when to issue, &c.....4087	108
civil and criminal jurisdiction of consuls &c., in uncivilized countries..4088	108
consul's decision in criminal cases 4089	108
capital cases, for murder, insurrection, &c , trial of, by ministers 4090	108
enlistment, &c., of citizens of United States, prevention of, by ministers. 4090	108
ministers to hear and decide civil and criminal cases on appeal.....4091	108
appeals in civil cases from consular courts to minister, when..... 4092	108
to circuit court of California 4093	108
from minister to circuit court of California in civil cases..... 4094	109
in criminal cases..... 4095	109
evidence in consular courts, how taken, &c..... 4097	109
settlement of civil cases by agreement or reference..... ... 4098	109
settlement of minor criminal cases 4099	109
aid of local authorities may be invoked 4100	109
authority of ministers and consuls to perform all necessary acts ...4100	109
punishment of crime, methods of, &c 4101	109
insurrection, rebellion, and murder punishable with death.....4102	109
warrant for execution of criminals, &c 4103	109
punishment by consuls for contempt 4104	110
final decisions by consul alone 4105	110
associates with consul in criminal trials, &c 4106	110

	Page.
Consular Courts—Continued.	
jurisdiction, &c., in trial of civil cases. 4107	110
jurisdiction of ministers, in what places exercised, &c 4108–4109	110
responsibility of ministers and consuls as judicial officers 4110	110
their liability as public officers.. 4110	110
marshals of consular courts, number, appointment of, &c 4111	110
execution and return of process..4112	110
provisions of Title extended to certain countries 4125–4129	111, 112
judicial duties of ministers to devolve upon Secretary of State, when 4128	112
words "minister" and "consul" to include what officers.....4130	112
Consular Officers,	
may receive protests or declarations 1707	86
shall keep record of seamen, vessels, &c 1708	86
estates of deceased Americans, duty of, as to 1709	86
shall publish, &c., notice of decease of Americans ... .1710	86
duty of, when American citizen, dying abroad, leaves will, &c 1711	86
shall be paid legal fees; liability of masters, &c., for. ... .1718	87
shall not receive fees, &c., from extra wages, &c., of seamen.....1719	87
penalty for exacting excessive fees 1723	87
not to perform diplomatic functions, unless, &c 1738	88
pay when performing.....1739	88
may take depositions, &c 1750	88
prohibition as to correspondence by, except, &c.....1751	88
marriages in presence of, in foreign countries 4082	89
judicial authority of, in certain countries 4083	107
duty of, respecting effects, &c., of deceased seamen..... 4539–4541	256
seamen's wages paid by direction of, to be in gold..... 4548	257
shall cause survey of vessels on proper complaint 4559	257
approval by, of report of survey of vessel on complaint of crew..... 4560	257
when, may discharge crew with extra wages 4561	258
shall certify charges for survey, &c 4562	258
when, shall inspect provisions, &c., on merchant-vessels 4565	258
when complaint reported by, to be false; penalty 4566	258
may demand crew-list and shipping-articles of vessels 4575	282
allowance of time in reaching or returning from post	90
vice-consuls acting as consuls, pay, &c.	90
absent without permission	90
correspondence of, restricted.....	90
not to ask presents or office.....	90
shall provide for return to the United States of destitute seamen....4577	259
may require masters of vessels to carry destitute seamen 4578	259
destitute seamen at ports where there is no consular officer.....4579	259
when may discharge seamen and require extra wages 4580	259
penalty of neglect of, to require extra wages of seamen 4581	259
extra wages of seamen to be paid to, on sale of vessel 4582	259
when may remit extra wages.....4583	259
how to dispose of extra wages of seamen 4584	260
reclamation of deserters, &c., by...4600	260
Consular Service.	
officers of the Navy accepting appointments in.....1440	85
"*Consul*,"	
meaning of word, in Title FOREIGN RELATIONS 4130	112

Page.

Consuls, (see *Consular Officers* and *Consular Court.*)
Consuls-General, (see *Consular Officers.*)
Contagious Disease,
public offices at seat of Government may be removed in case of....4798 238
Contempt,
treating superior officers with...art. 8 16
power of United States courts to punish....725 153
of Court of Claims to punish....1070 63
of Navy courts-martial to punish, art. 42 67
of consular court, limit to punishment for....4104 110
Contingent Fund,
furnishing estimates for....430 9
annual report of expenditure of....193 55
shall not be used for compensation of clerks, &c....3682 55
restriction as to use of....3683 55
expenditure from, for newspapers...1779 55
failure to make return of expenditure of....1780 55
Contraband of War,
may be purchased without advertising, &c....3721 57
Contracts,
members of Congress and public officers not to accept consideration for procuring....1781 26
not to receive compensation for services relating to....1782, 3742 27, 59
limits as to payment on....3648 56
provisions relating to public...3709–3747 56–60
for supplies shall be made after advertising....3709 56
when reservations on, may be relinquished....3730 58
not to be made in excess of appropriations....3679, 3732 11, 58
for public buildings and improvements not to exceed appropriation...3733 58
with United States shall not be transferred....3737 58
to be deposited in office of First Comptroller....3743 59
to be in writing, &c....3744 59
copy of, to be filed in returns office...3744 59
oath of officer making, to be attached, 3745 59
for collection, &c., of abandoned, &c., property....3755 160
for engraving, &c., for Government Printing-Office....3779 233
advertisements for proposals for, in the District of Columbia....3826 8
consular jurisdiction in cases of....4085 107
paying for erection, repair, &c., of public building, &c., amounts larger than appropriated....5503 60
turning in appropriations not to affect existing.... 13
Contributions,
not required for political purposes...1546 26
for presents to superiors....1784 27
Controversies,
civil, of American citizens in China and Japan, settlement of....4098 109
Conversion to his own use,
of public moneys, by disbursing-officer, 5488 97
by any person charged with safe-keeping....5490 97
what shall constitute, of public moneys, 5496 97
Convoy,
negligence in performing duty of...art. 8 16
exacting compensation for....art. 8 16
maltreating officers or crew of vessels under....art. 8 16
Co-operation,
between Army and Navy or Marine Corps....1135 60
revenue marine, with Navy....2757 246
Cooly-Trade,
vessels not to be built, &c., in the United States for the....2158 125

Page

Cooly-Trade—Continued.
forfeiture of vessel, &c., employed in 2159 125
penalty for building or fitting out, &c., vessel for the....2160 125
penalty for receiving or transporting coolies....2161 125
voluntary emigration of subjects of Oriental countries not affected...2162 125
examination of vessels suspected of being engaged in the....2163 125
disposal of vessel found so engaged 2163 125
contracts to furnish coolies, penalty.... 126
Copies,
of books, records, papers, &c., in any Executive Department, when evidence....882 100
in office of Solicitor of the Treasury when evidence....883 100
of any return in returns office, when evidence....888 101
Corrected Proof-sheet,
third-class mail-matter....3878 208
Correspondence,
with an enemy or rebel....art. 4 15
by diplomatic or consular officers...1751 88
with foreign government without authority, &c....5335 272
to obtain redress for injuries....5335 272
Costs,
in suits for making false claims against United States....3493 41
in consular courts, how prescribed .4117 111
in prize cases, security may be required for....4638 226
to be paid from proceeds of property 4639 227
court may order payment, &c....4640 227
Counsel,
employment of, by Departments...189 21
by the Attorney-General....363–366 75
special, in prize causes....4620 223
compensation to....4648 228
when no allowance to be made....4648 228
fees of, to be paid out of what fund, 4649 228
Counterfeiting,
signature in obtaining approval, &c., of claim by person in naval service, art. 14 17
bid, proposal, guarantee, official bond, public record, &c....5418, 5479 113, 114
deed, power of attorney, order, receipt, &c....5421 113
knowingly, &c., having in possession any false power of attorney, &c 5422 113
certificate, record, &c., authorized by naturalization laws....5424 34
gold, silver, and minor coins...5457, 5458 47
Court of Claims,
evidence to be furnished to, by Departments....188 60
appeals taken from judgments of..707, 708 149
sessions and quorum....1052 61
general jurisdiction of....1059 61
private claims before Congress transmitted to....1060 62
judgment of, in favor of the United States on set-off, &c....1061 62
decree of, finding loss of funds, &c., by paymaster, &c....1062 62
reference to, of certain claims and accounts by Departments....1063 62
how to proceed in such cases....1064 62
judgments or decrees of, in such cases, how paid....1065 62
jurisdiction of, not to extend to claims growing out of treaty stipulations, &c....1066 62
claim not to be prosecuted in, when suit pending in another court, &c 1067 62
privilege of aliens to prosecute claims in....1068 63
limitation on suits in....1069 63
power of, to regulate practice, appoint commissioners, and punish contempts....1070 63
authority of judges and clerks of, to administer oaths, &c....1071 63

Page.

Court of Olaims—Continued.
petition in, what to contain 1072 63
claim dismissed by, when claimant or original owner had aided rebellion, 1073 63
burden of proof in, as to loyalty during the rebellion 1074 63
may appoint commissioners to take testimony, issue commissions, &c. 1075 63
may call upon Departments for information or papers.....1076 63
taking of testimony not ordered by, when petition shows no case for relief, 1077 64
witnesses in, not excluded on account of color 1078 64
certain persons not competent as witnesses.....1079 64
power of, to order examination of claimant 1080 64
testimony for, to be taken in county where witness resides, when, &c 1081 64
subpœnas issued by, for witnesses to appear before commissioners to take testimony 1082 64
cross-examination of witnesses 1083 64
witnesses in claims before, by whom sworn 1084 64
fees of commissioners appointed by 1085 64
judgment by, of forfeiture of claim by fraud 1086 64
new trial granted by 1087, 1088 64
judgment of, in favor of claimant, how paid 1089 65
interest on judgment of, in favor of claimant 1090 65
when interest before judgment allowed by.....1091 65
judgment of, in favor of claimant, a discharge, &c 1092 65
against claimant, a bar.....1093 65
Courts-Martial, (Summary,)
provisions concerning ..... arts. 26–35 65–66
Courts-Martial, (General,)
punishments they may adjudge for certain offenses.....arts. 3, 9, 14, 21 16–19
dismissal by, or resigning to escape dismissal 1441 92
precedence of line and staff on.....1489 239
provisions concerning ..... arts. 38–54 66–68
Courts of Inquiry,
precedence of line and staff on.....1489 239
by whom ordered.....art 55 68
constitution of .....art. 56 68
powers and duties of .....art. 57 68
oath of members and judge-advocate.....art. 58 68
rights of parties under inquiry.. art. 59 68
authentication of proceedings of art. 60 68
proceedings evidence before courts-martial.....art. 60 68
Cowardice,
punishment for, in the Navy .....art. 4 15
Crew-Lists,
of vessels of war to be sent in...art. 20 18
to be furnished by master before clearance is granted 4573 281
shall be examined and certified by collector 4574 282
rules respecting duplicate..... 4575 282
discharge of seamen deserters by consul, &c., to be entered on 4600 260
Cruelty,
punishment for, in the Navy.....art. 8 16
Currency,
provisions concerning the.....3571–3533 68, 69
Customs-Duties,
materials for construction, &c., may be imported in bond, &c.....2513 128

D.

Dead Letters,
regulations as to.....3936–3938 212
Death,
offenses for which, adjudged in the Navy.....art. 4 15

Page.

Death—Continued.
sentence of, how determined.....art. 50 67
to be confirmed by President.. art. 53 68
robbery or piracy upon the high seas punishable by 5323–5368 206
benefit of clergy not allowed 5329 173
treason may be punished by, or, &c 5332 272
laying violent hands upon commander, &c..... ..... 5369 206
robbery upon high seas, upon any vessel 5370 206
robbery on shore, by any of crew landing from piratical vessel, &c..5371 206
offenses on high seas, or in harbor, bay, &c., out of jurisdiction of any State, &c 5372 206
murder, robbery, &c., under color of commission from foreign State, &c 5373 206
making war on United States on high seas, or cruising against vessels of 5374 206
forcibly confining, &c., negro, &c., with intent to make him a slave .. 5375 206
landing on foreign shore, seizing negro, &c., with intent to make him a slave 5376 207
willfully and maliciously burning any fort, dock-yard, &c 5385, 5386 13, 14
maliciously burning vessel of war, &c 5387 14
Death Sentence,
in Navy, by what vote of court-martial.....art. 50 67
confirmation of .....art. 53 68
Debasing of Coin,
penalty for.....5460 47
Debt,
marines exempt from arrest for....1610 163
Debts by or to United States,
provisions concerning..... .3466–3472 82
to be adjusted in the Treasury 236 5
legal tender in payment of.....3588–3590 47
debts to be deducted from any judgment against United States..... 83
Debts to United States,
recovery of, and suits for.....269
to have priority, &c 3466 82
when executor, &c., liable for.....3467 82
priority of surety on bond.....3468 82
compromise of..... 3469 82
in what payable 3588–3590
deduction of, due, paying judgments.... 83
Deceased American Citizens.
duty of consular officers as to estate of.....1709 86
Deceased Debtor,
claims or United States against, to have priority.....3466 82
surety, &c., on bond of, to United States, to have priority.....3468 82
Deceased Seamen,
custody of effects of, dying abroad 4538–4541 256
Decimal System,
established 3563 45
Decree of Distribution,
in prize cases..... .....4634 226
what it shall recite.....4634 226
Deed,
falsely making, altering, forging, &c 5421 113
having in possession any false, &c..5422 113
Delinquents, (see *Disbursing Officers, &c.*)
Departments (see *Executive Departments.*)
reference of claims to Court of Claims1063 62
proceedings in cases so referred 1064.. 62
judgments in cases referred, how paid 1065 62
power of Court of Claims to call upon, for information or papers ... 1076 63
printing, binding, &c., to be done at Government Printing-Office..3786 233
reports of bureau-officers, how printed..... 3788 233
printing, &c., for, on whose requisition 3789 233
form, &c., of printing.....3790 233

Page.

Departments—Continued.
number to be printed of annual reports of 3798 234
accounts for printing and binding .3802 244
when annual reports of, to be delivered, by Congressional Printer.....3810 234
advertisements for 3828 8
bribing, &c., any officer of, to influence decision or action 5451 27
acceptance of bribe by officer of ...5501 28
forfeiture of, and disqualification for office 5502 28
number of annual reports to be printed 235
employment of attorneys or counsel by 189 21
employment of special agents by ...3614 21
destroying public records in..5403, 5408 71
hours of labor in 72
Department of Agriculture,
design and duties of 520 72
Commissioner of Agriculture, appointment and salary of 521 72
chief clerk, duties in absence of Commissioner..... .....523 72
custody of property, records, &c.,of..525 72
duties of Commissioner..... ...526 72
purchase and distribution of seeds.. 527 72
annual reports may be franked..... 211
seeds, &c., may be franked..... 211
Department of Interior.
Secretary of Interior to be head of..437 73
Assistant Secretary, appointment, salary, and duties of 438, 439 73
general duties of Secretary of 441 73
to exercise powers as to Territories...442 73
powers of, as to census.....443 73
Department of Justice,
to furnish counsel and advice to heads of Departments 189 21
establishment of..... .....346 73
Attorney-General to be head of 346 73
Solicitor-General, appointment, duties, salary 347 74
Assistant Attorneys-General..... 348 74
solicitors, assistant solicitors, examiner of claims 349 74
to perform duties under control of Attorney-General 350 74
duties of the head of.....354, 356, 357 358, 359 74
to defend actions against members of Congress 75
extra compensation to district attorneys employed by 363 75
solicitors and officers of, to perform duties required by Attorney-General 360 74
general duty of officers of 361 74
superintendence of attorneys and marshals 362 75
retention of counsel to assist district attorneys 363 75
appointment of special counsel 366 75
detail of officers of, to attend to suits, &c 367 75
traveling-expenses to same..... 370 75
publication of opinions.....383 75
Department of the Navy,
accounts of, how to be kept 283 6
questions of law to be sent by, to Attorney-General 357 74
Secretary of the Navy to be head of..415 76
clerks and employés in, salaries of..416 76
general duties of the Secretary 417 76
custody of books, &c., of.....418 77
bureaus in 419 77
custody of books and records of bureaus 420 77
chiefs of bureaus in, how appointed..421 77
who eligible for the office of....422, 426 77
annual reports of Secretary.....429 77
Hydrographic Office in..... 431 124
maps prepared at 432 124
moneys from sale of..... 433 124
pay of officer in charge of Observatory. 434 180

Page.

Department of the Navy—Continued.
meridian of Washington for astronomical purposes 435 180
of Greenwich for nautical purposes 435 180
supervision of Nautical Almanac ...436 177
chiefs of bureaus, &c , when exempt from sea-service, ...1436 78
titles of chiefs of bureaus 1471 78
relative rank of certain chiefs of bureaus in 1472 78
retired chiefs of bureaus 1473 78
pay of chiefs of bureaus 1565 78
duty of Secretary as to flags and standards 1554, 1555 105
estimates for expenditures by..430, 3666 9, 10
money appropriated for, how drawn 3673 11
appropriations for, to be under control of Secretary 3676 11
for each bureau of, to be kept separate 3676 11
permanent appropriations for.....3689 12
Department of War,
Secretary of War to be the head of..214 81
general duties of Secretary 216 81
meteorological observations, storm-signals 221 81
reports and signals for benefit of agriculture and commerce 222 81
connection of signal-stations by telegraph-lines 223 81
reports on river and harbor surveys..231 81
chief clerk of, may sign requisitions ... 81
Department of State,
Secretary of State to be head of.....199 79
Assistant and Second Assistant Secretaries 200 79
duties of Secretary of State 202-205 79
passport-clerk in, to administer oath without fee 212 185
fees for copies of records in 213 79
Department of the Treasury,
Secretary of the Treasury to be head of..... .....233 80
Assistant Secretaries of 234 80
claims and accounts to be settled in ..236 5
duties of Assistant Secretaries 245 80
signing, &c., warrants 246 80
effect of warrants..... 247 80
general duties of the Secretary 248 80
restriction on clerks receiving gains, &c 244 80
transcript from books, &c., of evidence in suits against delinquents..886, 887 100
Depositions.
making or using, by persons in naval service, of any false,..... art 14 17
making or using, by persons not in military or naval service, of any false. 3490 41
de bene esse, to be taken by prize-commissioners 4622 223
making or using, by any person, of any false, punishment 5438 113
Depots,
for coal and fuel for the Navy.....1552
Deprivation of Liberty,
(See last page Index.)
on shore, &c.,.....art. 30 66
Derelict Property,
collection, &c., of.....3755 160
Descriptive Lists,
of men to be entered on ship's books, art. 20 18
of men transferred.....art. 20 18
Deserters,
not to be enlisted in the Navy.....1420 83
punishment for enlisting ..... art. 19 18
from naval service prior to March 3, 1865, loss of citizenship of, &c ... 1996 33
certain men absent without leave not to be held as, &c 1997 33
penalty hereafter incurred by.....1998 33
penalty for avoiding draft..... 1998 33
not entitled to bounty-land 2438 25
certain soldiers and sailors not to forfeit pension.....4749 84

	Page.
Desertion,	
enticing soldiers or sailors to become, knowingly harboring, &c....5435	84
punishment for aiding or enticing.....1553, 5455	83, 84
for refusing to deliver up persons charged with.....1553, 5455	83, 84
in time of war.....art. 4	15
in time of peace.....art. 8	17
harboring persons charged with...art. 8	17
Desiccated Vegetables for Navy,	
how may be procured.....3726	58
Destitute Seamen,	
consular officers not to receive fees, &c., on clothing, &c., for.....1719	87
fund for relief of, created.....4545	257
shall be returned to United States by consuls, &c.....4577	259
vessels belonging to citizens of United States required to carry.....4578	259
pay for carrying.....4579	259
part of extra wages to be fund for relief of.....4584	260
Destroyed Checks,	
duplicates of, how procured....3646, 3647	32
Destroying Letters,	
penalty for unlawfully.....3891, 3892	208, 209
Destruction of Records,	
of courts of justice, or deposited in any public office, &c.....5403	71
by the officer having custody of...5408	71
Detaining Letters,	
punishment for unlawfully.....3890	208
Detention,	
of enlisted persons beyond term....1572	262
Dies,	
of national character may be executed at Mint.....3551	44
Dime-piece,	
weight and fineness of.....3513, 3514	44
devices and legends on.....3517	44
deviation in adjusting.....3536	44
Diplomatic and Consular Officers, (see *Consular Officers,*)	
issue and verification of passports by.4075	185
returns of same.....4077	185
issuing or verifying passports illegally.....4078	185
judicial authority and duties of, in certain countries.....4083-4128	107-112
allowance of time in reaching or returning from stations.....1751	88, 90
regarding leave of absence to.....	90
restriction on correspondence by....	90
not to recommend persons.....	90
Diplomatic Functions,	
when consular officers may perform 1738	88
pay when so performing.....1739	88
Diplomatic Officer,	
term defined.....1674	85
Diplomatic Service,	
officers of the Navy accepting appointment in.....1440	85
Disabled Seamen,	
fund for relief of, created.....4545	257
Disabled Sailors,	
Navy pension-fund to be used for comfort of.....4752	202
Disaffection,	
in time of battle.....art. 4	15
Disbursements,	
no extra allowance for.....1765	104
Disbursing Agent, (see *Disbursing-Officers.*)	
of the Navy for foreign stations....1550	21
special, to give bonds.....3614	21
Disbursing-Clerks in Departments,	
appointment, of.....176	71
Disbursing-Officers,	
making disbursements by order of commanding officer.....285	90
payment of lost check issued by, in case of death of.....300	31
liabilities outstanding, disposition of.....306	31
accounts of, when covered into the Treasury.....309	32
to report outstanding liabilities.....310	24

	Page.
Disbursing-Officers—Continued.	
jurisdiction of Court of Claims on loss of funds by.....1059	61
when credit is to be allowed.....1062	32
trading in public funds or property.....1788	91
to deposit public money in Treasury, &c.....3620, 3621	91
to render accounts monthly, &c....3622	91
distress-warrant against, delinquent 3625, 3638	93
President may increase, &c., bonds of.....3639	96
duplicate checks of, how procured..3646, 3647	32
advances may be made to.....3648	7
shall not exchange funds.....3651	32
to account for premiums on drafts, &c.....3652	33
estimates on information from, to be distinguished.....3660	10
shall not pay expenses of commissions, &c., until, &c.....3681	11
applying public moneys otherwise than authorized by law.....5488	92
failing to render accounts of public moneys received.....5491	97
failing to deposit public moneys...5492	97
evidence of balance against.....5494	97
prima-facie evidence of embezzlement by.....5495	97
what constitutes conversion, &c., by.5496	97
Discharge,	
punishment by "bad conduct"....art. 30	65
not to be carried into effect in foreign countries.....art. 30	65
rating as mate, &c., not to.....1409	170
Discharge of Seamen,	
when consular officers may require 4580	259
to demand extra wages on.....4581	259
on sale of vessel in foreign country 4582	259
in case of wreck, &c., of vessel....4583	259
disposal of extra wages on, by consular officer.....4584	260
Disease Contracted in Service,	
who to have pension for.....4693	189
after July 27, 1868, must have been received in line of duty.....4694	190
Disloyal Claimants,	
before Court of Claims.....1072	63
restriction on payments to.....3480	40
Disobedience of orders,	
punishment for.....art. 4	15
Dismissal,	
or resigning to escape dismissal, not to be restored.....1441	92
of officers in the naval service...art. 36	92
right of officers dismissed by President to demand trial.....art. 37	92
sentence of, to be confirmed by President.....art. 53	68
limit to back pay of officers restored after.....	92
in time of peace, by sentence of court-martial only.....1624	92
Disqualification to Hold Office,	
for receiving valuable considerations, &c.....1781	26
for offering valuable consideration, &c., 1781	26
for receiving, &c, compensation for services, &c.....1782	27
of disbursing officers carrying on trade, &c., in funds of United States 1788	91
of deserters from military or naval service failing to return, &c.....1996	33
when not to apply.....1997	33
of persons convicted of treason ...5332	272
of persons inciting or engaging in rebellion.....5334	272
of public officer, withdrawing, destroying records, &c., in his custody...5408	71
of members of Congress for accepting bribe for vote, &c....5500, 5502	27, 28
of officers of, and persons acting for or on behalf of United States, &c., or for accepting bribe.....5501, 5502	28

Page.

Disqualification to Hold Office—Continued.
of officers, &c., in military or naval service interfering with elections 5532 96
Disrating,
by commanding officer .... art. 24 19
by summary courts, for incompetency, art. 31 66
Dissolute Practices,
commanding officers to guard against, art. 1 14
Distilled Spirits,
admission of, on vessels of war ..art. 13 17
Distress-Warrant,
against delinquents 3625, 3638 93
District Attorneys,
to aid in examining titles to land to be purchased by United States .. 355 181
general direction of, by Attorney-General 362 74
counsel to aid, how retained.....363 75
general duties of.....771 155
statement by, to Solicitor of the Treasury 772, 773 155
report of, in compromise of claim of United States 3469 82
duties of, in suits for false claims against United States 3492 41
in case of prize 4618, 4619 222
compensation of, in prize-causes....4646 228
maximum to be allowed, &c.....4647 228
to institute proceedings in cases of insurrectionary property.....5311 133
District of Columbia,
purchase of fuel in.....3711 116
permanent seat of government.....1795 288
offices to be exercised in.....1796 288
District Courts,
jurisdiction of.....563, 574 136
Divine Service,
performance of, in the Navy .....art. 2 15
irreverent behavior during.....art. 3 15
form of conducting.....1397 31
Dock-Yards,
examination of title of land purchased for 355 181
assent of State legislatures to purchase of land for 1838 181
Documents,
number of, to be printed for Congress, 3792 233
motions to print extra copies of 3793 233
when cost exceeds $500..... ....3795 233
additional number of, printed by order of Joint Committee on the Library..... .....3796 233
accompanying annual reports of Departments, number of, to be printed..... .....3798 234
extra copies of, how procured from Government Printing-Office 3809 234
what, to be delivered to the Secretary of the Interior by Congressional Printer..... .....3813 234
destroying, or carrying away, &c., from public office.....5403-5408 71
Dollar-Piece,
deviation allowed in adjusting 3535, 3536 44
Domestic Violence,
be suppressed by use of land and naval forces 5299 131
Domestic Servants,
of embassadors, &c., jurisdiction of suits against 687 147
of foreign ministers exempt from legal process 4063 106
in what cases provision not applicable 4065 106
register of names of, where to be made 4065 106
list to be posted in marshal's office..4065 106
public access to list..... .....4066 106
Double-Eagle,
weight and fineness of.....3511, 3514 43, 44
deviation allowed in adjusting.....3535 44
Double Pensions,
no person allowed to receive.....4715 195

Page.

Double Postage,
when to be charged on letters.....3898 209
on books, &c.....3910 210
on irregular sea-letters..... .....3913 210
Double Salaries,
not allowed, unless authorized by law 1763 104
Draft,
forfeiture of citizenship for avoiding, 1998 33
Drafts. (see *Checks*.)
Draughtsmen,
for Bureaus Navy Department.....416 76
Drawing,
professor of, at Naval Academy....1528 179
Drop Letters,
rates of postage on.....3904 209
certain, to be forwarded.....3937 212
Dropped,
officer failing on second examination to be..... .....1505 231
Drunkenness,
punishment for, in the Navy.....art. 8 16
Duels,
punishment in the Navy, for engaging in..... .... art. 8 16
Duplicate Checks,
when and how issued 3646, 3647 32
Duplicate Land Warrants,
to be issued in place of lost ones, when 2441 26

E.

Eagle,
weight and fineness of..... 3511, 3514 43
deviation allowed in adjusting.....3535 44
Effects,
of persons dying on ships of war..art. 20 18
of deceased merchant seamen 4538 256
Eight-Hour Law,
appropriation for wages under.....3689 12
eight hours a day's work under.....3738 58
Elections,
of Senator.....14-19 51
of Representatives and Delegates.23-27 52
troops not to be kept at places of...2002 95
officers of Army or Navy not to interfere in.....2003 95
all citizens to be entitled to vote at 2004 95
unlawfully hindering, preventing, &c., voting at 5506-5508 95
officer of Army or Navy bringing or keeping troops, &c., at 5528 96
preventing by force, intimidation, advice, &c., right of suffrage at 5529 96
prescribing or fixing qualification of voters 5530 96
by force, &c., imposing regulations for 5531 96
disqualification for office by violation of sections 5528-5531 ..... 5532 96
not to vote in Territories, except, &c..... .....1860 95
not to accept office in Territories..1860 95
Elective Franchise,
right of all citizens to exercise the 2004 95
Electors of President and Vice-President,
when appointed, &c.....131-149 216-218
Embassadors,
jurisdiction of Supreme Court, of suits of.....687, 688 147
jurisdiction of suits, &c., against....711 151
included in term "diplomatic officer" 1674 85
immunity of, &c.....4062-4066 105, 106
Embezzlement,
of public money or property intended for naval service by persons in naval service .....art. 14 18
of pension-money by guardians.....4786 201
of private or public property by persons in military or naval service ..5306 133
of public money or property furnished for military, &c., service.....5439 114
of metals, coins, medals, &c.....5460 47

Page.

Embezzlement—Continued.
of letters, &c., to be conveyed by mail. 5467 214
of mail, letter, &c., by person taking the same to post-office, &c 5469 214
officer guilty of, who pays to clerk, &c., a sum less than provided by law, &c 5483 101
depositing public moneys otherwise than authorized by law, converting, &c 5488 92
failure of public depositary, &c., safely to keep public moneys deposited 5489 97
loaning, converting, depositing in banks, exchanging, &c., of public moneys 5490 97
failure to render accounts as provided by law 5491 97
failure to deposit public moneys with Treasurer, &c., when so required, &c 5492 97
application of sections 5488–5492 .. 5493 97
evidence of balance against defendant on trial of indictment for 5494 97
prima-facie evidence of 5495 97
receiving from disbursing-officer, &c., on deposit, loan, &c., of Government property, money, &c., public moneys by unauthorized depositary 5497 98
Embezzling Letters,
by persons in postal service 3891 208
by persons taking from post-office .. 3892 209
Emigration,
voluntary, not affected by prohibitions as to cooly-trade 2162 125
certificate of, to be given by consular officers 2162 125
Enacting Clause,
form of 7 248
Enacting Words,
limitation of use of 9 248
Encouragement,
punishment for failing to give, in battle ..... art. 4 15
Enemies, Alien,
treatment of 4067–4070 8
Enemy.
intercourse with an ..... art. 4 15
receiving messages from ..... art. 4 15
Engineer Corps of the Navy,
number and grades in, on active list 1390 98
by whom appointed 1391 98
engineers of the fleet 1393 98
title of Chief of Bureau of Steam-Engineering 1471 78
relative rank of, on active list 1476 98
graduates of Naval Academy, precedence of 1484 98
rank of, gives no authority to exercise military command 1488 239
education of engineers at Naval Academy 1522 99
Engineers, Civil, (see *Civil Engineers*.)
Engravings,
of maps, &c., to illustrate documents, 3779, 3780 233
to be third-class mail-matter 3878 208
Enlisted Persons,
pay of, how fixed 1569 262
when to have pensions 4693 189
rate of total-disability pension to .. 4695 190
non-enlisted men in temporary service, pension to dependent relative 4710 194
number authorized 1417 261
enlistment of boys 1418 261
of minors between sixteen and eighteen years 1419 261
of minors under sixteen years, insane or intoxicated persons, or deserters, forbidden 1420 161
transfer from Army 1421 261
to be sent home at expiration of term .. 1422 261
when may be detained beyond 1422 261
deta ned beyond, to be subject to laws and regulations 1423 262

Page.

Enlisted Persons—Continued.
limit of detention beyond expiration of term 1424 262
shipping articles to contain the three preceding sections 1425 262
in Marine Corps 1608 163
of citizens of the United States in certain countries, &c 4090 108
of soldiers or sailors to serve against United States 5337, 5338 273
Enrolled Vessels,
how to be numbered 4177 280
Enrollment,
of pleasure-yacht 4214 287
Ensigns.
grade established 1362 161
number of, on active list 1363 161
to be steerage-officers, unless, &c .. 1490 162
pay of 1556 162
Ensign, or Flag,
of revenue-cutter service 2764 246
Enticing,
desertion from naval service 1553 83
desertions from naval service by persons in same ..... arts. 4, 8 84
any soldier or sailor of United States to desert 5455 84
on board of any vessel, or to any other place, to be made slaves 5525 265
Envoys Extraordinary,
included by words "diplomatic officers" 1674 85
Epidemics,
removal of offices in case of 4798 238
adjournment of courts in case of 4799 238
removal of prisoners in case of 4800 238
"*E Pluribus Unum*,"
shall be inscribed on coins 3517 44
Equity,
jurisdiction in, of district courts ... 563 136
district courts, as courts of, always open 574 137
when suits in, not sustained in courts of United States 723 153
final record in causes of 750 155
Estates of Deceased Americans,
duty of consular officers as to 1709 86
Equipment and Recruiting, Bureau of,
clerks in 416 76
establishment of 419 77
appointment of Chief of 421–422 77
pay of 1565 78
Estimates,
for expenses of Navy Department and Bureaus 430 9
manner of communicating 3660 10
for printing and binding 3661 10
for compensation of officers 3662 10
for public works 3663 10
to explain new items 3664 10
to state outstanding appropriation .. 3665 10
what to contain in detail 3666 10
annual, to be submitted through Secretary of Treasury, &c 3669 11
appropriations of current year to be annexed 3670 11
proceeds of old material to be included in Book of 3672 11
to be furnished Secretary of Treasury by October 1 13
extracts from reports to be submitted with 13
Ethics.
professor of, at Naval Academy 1528 179
Evidence,
books and writings containing, power of courts to require production of. 724 153
copies from the Executive Departments 882–887 100
when not to be used in criminal proceedings 860 100
Consular certificates as 896 101
to establish claim for bounty-land .. 2431 25
in consular courts, how taken 4097 109
of balance due upon trial for embezzlement 5494 9

	Page.
Evidence—Continued.	
prima-facie, of embezzlement.....5495	97
copies from returns office 888	101
Little & Brown's edition of Statutes, 908	101
Examinations,	
of clerks in Departments.....164	69
of assistant surgeon absent.....1372	171
physically, before promotion 1493	230
in grades limited and not limited... 1495	230
mentally, morally, and professionally, 1496	230
of commodores before promotion... 1497	230
failing professionally in.....1505	230
pay of officers delayed in.....1562	186
for civil service.....1753	39
Examiner of Claims,	
for Department of State 349	74
Examiners,	
of applicants for civil service.....1753	39
Examining Board,	
of the Navy, for promotion.....1498	230
power of 1499	230
appearance of officers before 1500	230
statement and testimony before...1501	230
revision of finding of 1502	230
public examination before rejection, 1503	230
form of recommendation by.....1504	230
officers not found qualified by....1505	230
Examining Surgeons,	
pension to commence at date of certificate of, &c.....4698½	192
of pensioners, biennial certificate of, 4771	199
boards of, may be organized, &c..4774	200
may be required to make special examinations 4775	200
in Pension-Office may be appointed, &c 4776	200
civil surgeons may be appointed as, 4777	200
Exchange,	
of funds restricted 3651	32
Executive Departments,	
regulations for, how prescribed.....161	69
hours of business in 162	69
clerks in, how classified 163	69
examinations of.....164	69
women may be.....165	70
distribution of.....166	70
and employés, salaries of.....167	70
temporary, salaries of 168	70
number of, how regulated.....169	70
extra services of, when to be paid for.....170	70
extra, when to be employed.....171	70
compensation of.....171	70
subordinate assistants, restriction on employment of.....172	70
chief clerks in, duties of, &c....173, 174	70
duty of superior on receipt of report of chief clerk 175	71
disbursing clerks in, duties, &c., of .176	71
vacancies in offices of heads of ..177, 181	275
n office of chief of Bureau in. 178	275
no extra compensation to officer filling vacancy.....182	275
oaths administered by officers or clerks of, detailed to investigate frauds, 183	112
witnesses in claims before, how subpœnaed.....184	39
fees of.....185	40
how compelled to attend and testify, 186	40
professional assistance in examining witnesses or claims, how obtained by.....187	40
evidence to be furnished by, in suits pending in Court of Claims ...188	60
heads of, not to employ attorneys, &c 189	21
restriction on former employés in prosecuting claims.....190	40
certified balances conclusive upon the executive branch of the Government 191	5
may be revised by Congress.....191	5

	Page.
Executive Departments—Continued.	
newspapers in, expenditure for.192, 1779	184
annual report concerning contingent fund for.....193	55
respecting clerks employed in 194	71
annual reports, time of making ...195	71
when to be furnished to the printer 196	71
inventories of property in 197	71
biennial list of persons employed in.510	135
heads of, may require opinion of Attorney-General 356	74
copies of books, records, &c., made evidence 882	100
reference by, of claims to Court of Claims 1063	62
proceedings in such cases.....1064	62
judgment in such cases, how paid 1065	62
contracts of, for stationery and supplies, 3735	58
printing, binding, &c., for.... 3786, 3789	233
form, &c., of printing, &c., for.....3790	233
(See *Tenure of Office* and *Vacancies.*)	
Expatriation,	
inherent right of, affirmed.....1999	33
claims of foreign allegiance disavowed, 1999	34
officers not to question right of.....1999	34
Expenditures,	
estimates of, how communicated to Congress 3660	10
how accounted for in estimates....3666	10
limit as to objects 3678	11
limited to appropriations.....3679	11
Expiration of Service,	
seamen to be sent home at.....1422	261
subject to laws if detained after ..1423	262
limit of detention after.....1424	262
shipping-articles to contain conditions as to.....1425	262
Explosive Articles,	
excluded from mails.....3878	208
Exploring Expeditions,	
proceeds of materials, &c., sold not to be covered into the Treasury....3618	253
Extortion,	
under color of office 5481	101
Extra Compensation, Salaries, &c.,	
provisions concerning.....1763-1765	104
for disbursements 3654	104
to civil officers forbidden.....	104
Extradition,	
power to issue warrants for arrest, &c.5270	101
depositions receivable at hearing, on return of warrant 5271	102
power of Secretary of State to order delivery of person committed for, &c 5272	102
authority of agent receiving prisoner from Secretary of State 5272	102
re-rarrest of person accused, &c., in case of escape 5272	102
discharge from custody of person accused 5273	102
provisions for, to foreign country limited, &c 5274	102
transportation and safe-keeping of person delivered, &c 5275	102
powers of agent appointed to receive delivery of person.....5276	103
penalty for obstructing, &c., agent. 5277	103
duty of executive authority of State or Territory 5278	103
discharge of prisoner, if no agent to receive, &c 5278	103
costs and expenses incurred in arresting, transmitting, &c 5278	103
authority of agent appointed by State, &c., to transport prisoner, &c 5279	103
penalty for rescuing prisoner from agent, 5279	103
duty of certain magistrates to arrest seamen deserting from foreign vessels, 5280	103
delivery of deserters to consul, &c., of foreign government.....5280	103
detention of, at expense of consul, &c., of foreign government.....5280	103

Page.

Extradition—Continued.
delay in delivery of seamen, &c ...5280 103
allowing prisoners to escape..5409, 5410 103, 104
Extra Duty.
punishment by commanding officer.art. 24 19
by summary court-martial.....art. 30 65
Extra Wages,
to seamen, consular officers not to receive fees, &c., for collecting, &c 1719 87
on discharge by consular officers from unseaworthy vessel.....4561 258
penalty for refusal to pay.....4563 258
when consul, &c., may require, on discharge.....4580 259
penalty for neglect to require.....4581 259
on sale of vessel in foreign ports ..4582 259
when, may be remitted.....4583 259
disposal of 4584 260
to alleged deserters.....4600 260

F.

False Accounts,
keeping, by persons in the naval service, art. 14, 5306 17, 133
False Claims. (see *Claims.*)
Falsehood,
punishment for, in Navy.....art. 8 16
False Muster.
making or aiding in .....art. 8 16
False Oath,
knowingly making, to obtain claim, by any person in naval service art. 14 17
when perjury 5392 204
False Papers,
making or using, to obtain claim..art. 14 17
False Personation,
by applicant, or witness for applicant, to be admitted a citizen.....5424 34
of persons entitled to pensions, prize-money, wages, &c 5435 113
False Receipt, (see *Receipt.*)
False Returns,
by persons in naval service.....5306 133
Falsely Altering, (see *Forging.*)
Falsely Making,
bid, proposal, &c 5418, 5479 113, 114
deed, power of attorney, order, receipt, &c 5421 113
having in possession any false, altered, &c., deed, power of attorney, &c., 5422 113
oath, notice, &c., under naturalization-laws 5424 34
any coin or bars in similitude of coin, 5457, 5458 47
Fast-Day,
holiday in District of Columbia 121
Fees,
of witnesses in claims pending in Departments.....185 40
passport-clerk to administer oaths without 212 185
for copies of records of Department of State 213 79
of witnesses attending courts..848–851 286
of special counsel in prize-cases 4649 228
of witnesses in prize-cases 4651 228
of examining-surgeons of pensioners, 4774, 4775 200
of attorneys and agents of pensioners, 4785 200
demand, &c., of illegal, by agent prosecuting claim, &c 5485 201
receiving or demanding, by pension-agent.....5487 201
Felony,
embezzling, stealing, &c., Government money or property declared 115
Females,
eligible to clerkships.....165 70
Fifteenth Amendment,
preventing suffrage guaranteed by.5507–5509 95
Fifty-Cent Piece,
weight and fineness of 3513, 3514 44
deviation in adjusting.....3536 44

Page.

Fines, Penalties, and Forfeitures,
relating to live-oak.....4751 202
Firemen,
in Navy, enlistment of 1417 261
pay of, how fixed 1569 262
additional to seamen, &c., doing duty as 1570 262
bounty to, for re-enlisting.....1573 263
Firms,
members of, not to act as agents, &c..1783 21
not to be received as surities for each other.....3722 57
First Assistant Engineers of the Navy,
number and rank of 1390 98
relative rank of, on the active list..1476 98
pay of 1556 99
title of, changed.....note 98
Fiscal Year,
date of commencement of.....237 5
accounts to be settled within 250 5
Fish and Fisheries,
Commissioner of, appointment of..4395 104
duties of Commissioner 4396 105
Executive Departments to aid in investigations of 4397 105
power to take fish, &c.....4398 105
Five-Cent Piece,
weight and material of.....3515 44
devices and legends on 3517 44
deviation in adjusting 3537 44
Five-Dollar Piece.
weight and fineness of.....3511, 3514 43, 44
deviation in adjusting.....3535 44
Flag of the United States,
design of 1791 105
additional star for each new State..1792 105
Flag-Officers.
selection, assignment of, &c.....1434 161
Flags,
captured by Navy, collection and disposition of 1554 105
preservation, &c., of.....1555 105
Flag,
striking, without authority .....art. 4 15
Fleet-Captain,
share of prize-money to.....4631 225
Fleet-Engineers,
selection of 1393 98
pay of 1556 98
Fleet-Paymasters,
designation of.....1382 187
pay of.....1556 188
Fleet-Surgeons,
selection and duties of.....1373, 1374 171
pay of.....1556 171
Flogging,
punishment by, forbidden in Navy. art. 49 67
Flotilla Men,
when entitled to bounty-land..2425–2427 24
Flour,
for Navy, purchase of 3727 58
Fog-Signals,
when to be used on vessels.....4233 50
Folio.
number of words in 854 7
Forage,
to officers of the Marine Corps.....1272 165
Foreign Coins,
value, basis of, and how fixed 3564 45
certain, to be recoined before being issued 3566 45
shall not be a legal tender.....3584 46
false making, counterfeiting, &c....5457 47
fraudulently mutilating, diminishing, &c 5459 47
making, issuing, or passing without authority, any coins in resemblance of 5461 48
Foreign Consular Officers,
treaty-stipulations respecting powers of, over seamen 4079 89
application for arrest of seamen....4080 89
commitment of seamen subject to jurisdiction of.....4081 89
Foreign Diplomatic Officers,
in Persia, intermediation of, in suits and disputes 4126 111

	Page.
Foreign Hydrographic Surveys,	
restrictions on appropriations for publishing 3686	124
Foreign Ministers, (see *Ministers, Public,*)	
penalty for assaulting, &c....4062	105
process against person, &c., of, to be void....4063	106
domestic servants of, exempt from process 4063	106
names of servants of, may be registered, 4065	106
Foreign Nations,	
claims of, to allegiance of naturalized American citizens disavowed 1999	33
President to demand reasons of, for imprisonment of citizens, &c ...2001	34
alien enemies of, at war with United States 4067	8
correspondence with, &c....5335	272
citizen or subject of, making war in violation of treaty, guilty of piracy, 5374	206
Foreign Relations.	
right of expatriation maintained .. 1999	33
protection to naturalized citizens in foreign countries 2000	34
release of citizens imprisoned by foreign powers to be demanded 2001	34
violence to public minister in violation of law of nations 4062	105
safe-conduct or passport, violation of.4062	105
privilege of foreign ministers and their domestics 4063–4066	106
removal of alien enemies 4067–4070	8, 9
testimony for use in certain suits in foreign countries, how taken.4071–4074	106
passports to American citizens, 4075–4078	185
foreign seamen, jurisdiction of difficulties arising among, &c... 4079–4081	89
marriages in foreign countries, validity of, &c....4082	89
judicial authority of United States minister and consuls 4083–4130	107–112
meaning of words "minister" and "consul"....4130	112
Foreign Seamen,	
arrest of, on application of consul..4080	89
procedure upon examination....4081	89
Foreign Stations.	
disbursing agents on 1550	21
supplies for vessels on....3721	57
storekeepers on....1438, 1439	35
pay of....1567, 1568	36
Forging.	
by persons in naval service, to procure approval, &c., of claim ....art. 14	17
bid, proposal, &c., for purpose of defrauding United States ..5418, 5479	113, 114
deed, power of attorney, &c....5421	113
knowingly, &c., having in possession any false deed, power of attorney, &c., 5422	113
oath, notice, &c., authorized by naturalization-laws 5424	34
of coins, &c....5457, 5458	47
Fourth Auditor,	
accounts of, to be examined by Second Comptroller 273	6
duties of 277	6
duty as to Navy requisitions 3673	11
Fourth of July,	
holiday in District of Columbia	121
Franked.	
Congressional Record and documents may be	211
Fresh Meat,	
substitute for salt, in Navy rations.1581	240
Frauds,	
jurisdiction of district courts of suits to recover damages for 563	136
Court of Claims may adjudge claims forfeited by 1086	64
punishment for, in the Navy ....art. 8	16
in procuring payment of claims, &c., by person in Navy ....art. 14	17
public officers colluding in....5451	27
Freedmen,	
accounts for expenses incurred for, how settled....2034	115
Hospital and Asylum for 2038	116
restrictions upon expenditure of appropriation for 2038	116
Hospital to be under Secretary of the Interior	116
transfer of property from War to Department Interior	116
Fuel,	
for Government use in District of Columbia 3711–3713	116
for Navy 3728	58
contracts for, not to exceed necessities of current year....3732	58
allowance of, in Marine Corps....1270	164
Fugitives from Service,	
punishment for, return of ....art. 18	18
Funeral expenses,	
allowance for, in the Navy 1587	172
Furlough,	
placing officers on....1442	117
pay of officers on....1557	117
retired officers on....1593	117
transfer of officers on.... 1594	117

G.

Gambling,	
punishment for, in the Navy....art. 8	16
General Orders,	
punishment for disobeying lawful art. 8	16
to be regarded as regulations....1547	246
officers to be furnished with....1548	247
Gifts,	
receiving, by superiors in office....1784	27
public officers not to receive, &c....5451	27
Gold Coins,	
denomination, weight, &c....3511, 3514	43
certain to be recoined....3512	44
deviations allowed from standard...3535	44
shall be a legal tender....3585	46
Gold,	
transportation of, in vessels of war art.8	16
in merchant-vessels 4204	280
exchange and disbursement of....3651	32
Government Property.	
embezzlement of .... art. 14, 5439	17, 114
proceeds of sale to be covered into Treasury 3618	253
Government Printing-Office,	
engravings of maps, &c., for public documents 3779	233
when procured by advertisement.3780	233
foremen of, to make estimates, &c., for materials 3783	233
printing and binding not to be done.3785	233
printing and binding to be done....3786	283
reports of officers of Bureaus, &c....3788	233
form and style of printing, &c....3790	233
accounts of printing, &c., for Departments....3802	234
extra copies of documents....3809	234
report to be made to Congress....3821	235
Gratuity,	
to seamen receiving medal of honor.1407	261
Greenwich,	
meridian for nautical purposes 435	180
Guano-Islands,	
discovery and occupancy of....5570–5578	117
Guarantee,	
falsely making, altering, forging, &c., any false....5418–5479	113, 114
Guarantee of Bid,	
for naval supplies, sureties, &c.3719–3722	56–57
Guardians,	
may sell homestead for benefit of infant children....2292	122
of minor or orphan children of soldiers, &c., under homestead-law... 2307	123
when increased pension to be paid to..4703	192
when pension to be paid to....4706	193
pension to joint pensioners having different 4707	193
penalty for embezzling ward's pension....5486	201

	Page.
Gunpowder,	
in bonded warehouse, when to be sold....2975	118
storage of, in warehouse....2962	118
drawback on foreign saltpeter....3026	118
for Navy, purchases of....3721	57
penalty for shipping without notice of character....4288	119
license to carry, on steam passenger-vessels....4422	119
penalty for carrying, contrary to law..4424	119
how to be packed and marked....4475	119
Gunners,	
number and appointment of....1405	285
to be known as warrant-officers....1406	285
as keeper of magazines....1416	181
as naval storekeepers....1438	285
pay of....1556	285
assimilated rank to....1491	285

H.

Habeas Corpus,	
writ of, in cases of removal from State to circuit court....642, 643	144
may be issued by supreme, circuit, and district courts....751	119
may be granted by justices and judges of, &c....752	119
not to extend to prisoner in jail unless, &c....753	119
application for, how made and verified, 754	120
to be issued unless, &c.; how directed, 755	120
return of, time for....756	120
to show cause of detention....757	120
body to be brought on return of....758	120
hearing of, time for....759	120
traverse of return, counter-allegations, amendments....760	120
summary hearing upon....761	120
notice to be served on attorney-general of a State....762	120
appeal to circuit court....763	120
from circuit to supreme court....764	120
appeals, on what terms taken....765	120
pending appeals, &c., void,....766	121
Half-Eagle,	
weight and fineness of....3511–3514	43
deviation in adjusting....3537	44
Half-Dime,	
weight and material of....3515	43
devices and legends on....3517	44
deviation in adjusting....3537	44
Half-Dollar Piece,	
weight and fineness of....3513, 3514	43
deviation in adjusting....3536	44
Hazing,	
at Naval Academy forbidden....	121
Harbors and Rivers,	
Secretary of War to submit reports of examination of, &c....231	81
Harboring,	
deserters from naval service....1553	83
by persons in same....art. 8	48
seaman of United States who has deserted knowing, &c....5455	84
Heads of Departments, (see *Executive Departments.*)	
Health, Public,	
observance of quarantine regulations, 4792	237
discharge of cargo of vessel in quarantine....4793	237
erection of warehouses and deposit of cargo therein....4794, 4795	237
extending time of entry for vessels..4796	237
revenue-officers may be removed, where contagious disease prevails...4797	237
public offices may be removed, &c..4798	238
courts may adjourn to any other place, 4799	238
prisoners may be removed in case of contagious, &c., disease....4800	238
Headstones,	
in national cemeteries....4877	28

	Page.
Hemp for Navy,	
provisions concerning contracts for, 3718–3722	56, 57
American, to be preferrred....3725	57
Homestead,	
entry of public land for....2289	121
oath, fees, &c....2290	122
certificates and patents....2291	122
rights of infant children....2292	122
entry of, by persons in military or naval service....2293	122
not liable for debts contracted prior to patent....2296	122
land abandoned to revert to Government, 2297	122
limit of quantity of land for....2298	123
minors who have served in Army or Navy may acquire....2300	123
settlers may have patent on paying for lands....2301	123
no distinction on account of race or color, 2302	123
mineral lands excluded....2302	123
lands in certain States to be disposed of only for....2303	123
soldiers and sailors may acquire....2304	123
deduction of time required to perfect title....2305	123
homestead settler, period of residence, 2305	123
soldiers and sailors may enter additional land....2306	123
widow and minor children of, entitled to homesteads, &c....2307	123
where soldier died during enlistment, whole enlistment deducted ...2307	123
service in Army or Navy by homesteader equivalent to residence, &c-2308	123
soldiers, sailors, &c., may make entry by attorney, &c....2309	124
to make entry, &c., in person, when..2309	124
cultivation of trees on....2317	124
Honorable Discharge,	
granting of, in the Navy....1426	262
form of....1427	262
report of men entitled to....1429	262
pay for re-enlisting in Navy under..1573	263
sailors receiving, recommended for employment....1755	39
Hospital for Freedmen,	
supervision, &c., of....2038	116
Hospital for Insane, (see *Insane. Government Hospital for.*)	
Hospitals, (*Marine,*)	
collection of tax for....4585	168
collection of tax due abroad....4586	168
President authorized to receive gifts in aid of....4801	168
supervising surgeon, appointment, duties, &c....4802	169
fund for the relief of sick and disabled seamen....4803	169
certain persons excluded....4804	169
admission of sick foreign seamen...4805	169
Hospitals, (*Navy.*)	
Secretary of Navy to have general superintendence of....4807	180
deduction from pay of officers and men for fund of....4808	180
fines imposed to be appropriated to fund of....4809	180
purchase and erection of....4810	180
an asylum to be provided at one of the, 4810	180
regulations for its government....4811	180
allowance of rations to....4812	181
pensions to be deducted during stay in, 4813	181
Hours of Business,	
in Executive Departments....162	69
Hours of Labor,	
in the navy-yards....3738	182
House of Representatives,	
number, election, &c., of members of, 20–27	52
Hulls of Vessels,	
restriction on repairs of....1538	284

Page.

Hydrographic Office,
establishment of 431 124
sale of maps, charts, &c 432 124
money received from sale 433 124
Hydrographic Surveys,
restrictions of appropriations for publishing foreign 3686 12

I.

Immigration,
involuntary, from Oriental countries, prohibited 2158 125
voluntary, not affected 2162 125
States not to impose unequal charges upon 2164 125
from Oriental countries for lewd purposes 126
or to hold them for service 126
duties of consular officers 126
of coolies 126
of alien convicts 126
Importation,
of dutiable articles in public vessels forbidden ..... art. 12 127
of obscene articles forbidden 2491 127
proceedings against 2492 127
of machinery for repair 2511 127
of statuary, &c 2512 128
of materials for construction, &c 2513 128
public vessels not required to enter. 2791 128
Impressment of Seamen,
duty of master of vessel in reference to 4589 260
Imprisonment,
for life, in place of death-penalty .. art. 7 16
Incidental Appropriations,
shall not be used for compensation .. 3682 11
Indecent Articles,
not mailable 3893 209
Indefinite Appropriations,
statement of, shall be annexed to estimates 3670 11
list of 12
Indemnity,
for clothing lost 288, 3689 12, 160
Incompetency,
disrating for ..... art. 31 66
Inefficiency,
in performance of duty ..... art. 8 16
Insane. Government Hospital for,
to be located in the District of Columbia 4838 128
superintendent of 4839 128
admission of persons of the military or naval service 4843 129
admission of the indigent insane of the District of Columbia 4844 129
order of admission, how granted ... 4845 129
certificate of judge or justice on which order to be based 4846 129
application by member of the board of visitors 4847 129
conveyance of indigent insane person to hospital 4848 130
admission of insane persons having property 4849 130
admission of indigent insane non-resident 4850 130
of insane persons accused of crime 4851 130
of insane convicts 4852 130
of private patients 4853 130
on what certificate, &c 4854 130
delivery of insane criminals restored to sanity 4855 130
delivery of patients under bond 4856 130
admission of merchant-seamen to .. note 131
Insane Persons,
not to be enlisted in the Navy 1420 261
provision for, of the Navy, care and treatment of 1551 128
punishment for enlisting, in the Navy, art. 19 18
limitation as to commencement of pensions not to apply to 4709 193
Inspection,
of transports, detail of Navy officers for 1437 283

Page.

Inspection of Fuel,
purchased by officers in District of Columbia 3711, 3713 116
Inspectors,
at yards, authority to discontinue ... 1416 181
Insurgents,
proclamation of President dispersing, 5300 131
Insurrection,
jurisdiction in cases of capture under title of 563, 564, 629 136, 137, 140
proceedings in captures under laws relating to 154
against foreign governments 4090 108
power of the President to call forth militia to suppress 5297–5298 131
denial by a State of equal protection of the laws 5299 131
proclamation to disperse insurgents. 5300 131
when President may declare inhabitants of a State to be in 5301 132
part of State not declared to be in, under control of insurgents, &c 5302 132
suspension of commercial intercourse between States in 5303 132
commercial intercourse with part of State in 5304 132
licenses for taking supplies into insurrectionary States 5305 132
trading without a license in a State declared to be in 5306 133
investigations to prevent frauds, &c., in trade with States in 5307 133
confiscation of property employed in aid of 5308 133
proceedings for, where had and how instituted 5309–5311 133
Secretary of Treasury may prohibit transportation of property for aid of rebellion 5312 133
setting on foot and engaging in 5334 272
Intercepting Letters,
penalty for 3892 209
Irons,
confinement in ..... art. 30 66
Irreverent Behavior,
punishment for ..... art. 3 15
Intoxicated Persons,
enlistment of, in Navy forbidden ... 1420 261
penalty for enlisting, in Navy ... art. 19 18
Invalids,
persons not to draw pay and pension as 4724 196
Invalid Pensioners,
biennial examinations of, &c 4771 199
special examinations of 4775 200
Invalid Pensions. (see *Pensions.*)
terms on which granted 4692 189
who shall be entitled to 4693 189
Invasion,
power of the President to call for militia to repel 1642 288
Inventories,
of property in Departments 197 135
of ship's papers to be made by officer taking prize 4615 222
of prize property by prize commissioners 4622 223
of prize property taken for the use of United States 4624 224
Investigations, (see *Congressional Investigations.*)

J.

Japan,
subjects of, not to be transported as coolies 2158–2163 125
voluntary emigration of subjects of, not impeded 2162 125
judicial authority of United States minister and consuls in 4083–4120 107
immigration of subjects of 126
Jewels,
reception and transportation of, in public vessels ..... art. 8 16
Judge Advocate of the Navy, (see *Naval Solicitor.*)
Judge Advocates, (see *Courts-Martial* and *Courts of Judiciary.*)

Page.

Judges of United States Courts,
not to exercise profession of attorney, counsel, &c....713 152
when to receive salary after resigning....714 152
Judgments,
of district court may be reviewed in circuit court....633 141
power of circuit court to affirm, modify, reverse, &c....636 142
of circuit court may be reviewed, &c., by Supreme Court, &c....691-693 147
may be rendered or directed by Supreme Court in prize cause.s....701 149
of supreme court of Territory reviewed by Supreme Court....702 149
of Court of Claims, in favor of claimant, how paid....1089 65
interest on....1090 65
interest prior to, when allowed...1091 65
in favor of claimant, a discharge, &c....1092 65
against claimant, a bar....1093 65
not to work corruption of blood or forfeiture of estate....5326 172
stealing, altering, falsifying, &c., any record, writ, &c., of court of United States....5394 112
acknowledging, in court of United States in name of another not privy or consenting to same....5394 112
Judicial Authority,
diplomatic and consular officers vested with, in China, Japan, &c....4083 107
Judicial Circuits,
list of....604 138
allotment among....606 138
judges of, appointment, powers, &c 607 138
Judicial Officers,
certain diplomatic and consular officers, when responsible as....4110 110
July Fourth,
public holiday in District of Columbia.. 121
Jurisdiction,
of district courts....563 136
of circuit courts....629 140
of Supreme Court....687 147
of foreign consular officers over controversies between seamen....4079 89
of diplomatic and consular officers in certain countries....4083-4130 107
cession of, over sites for light-houses, &c., to United States....4661-4662 158

K.

Kidnaping,
of persons to be sold or held as slaves.5525 265
King's Mountain,
bounty-land to volunteers at battle of....2427 25

L.

Laborers,
in the Departments, pay....167 70
number authorized....169 70
not to be paid from contingent....172 70
selection of, in navy-yards....1544 181
day's work of, to be eight hours...3738 182
Land and Naval Forces,
to enforce neutrality laws....5287 183
to compel departure of foreign vessels, &c....5288 183
employment of, in cases of insurrection against State governments....5297 131
against United States Government.5298 131
in cases of domestic violence, &c..5299 131
to protect rights of discoverer of guano islands....5577 118
Lands,
purchases of, for forts, public buildings, &c....355 181
live-oak and red-cedar timber-lands to be explored and reserved....2458 243
surveyors may be appointed....2459 243
selected to be reserved for sole use of supplying timber for Navy....2459 243
protection of, by land and naval forces....2460 243

Page.

Lands—Continued.
cutting or destroying, &c., timber on, reserved....2461 243
vessel carrying away such timber.2462 243
clearance of vessels laden with such timber....2463 244
depredations on, how prosecuted....2463 244
purchase of, on account of United States restricted....3736 58
protection of trees and fences on reserved.... 244
Landsmen,
performing the duty of firemen, &c.1570 262
bounty to, for re-enlisting....1573 263
when entitled to bounty-land..2425-2427 24
Larceny,
of Government money or property, penalty for.... 5
Law of Nations,
jurisdiction of district courts of suits in violation of....563 136
assaulting, &c., public minister in violation of the....4062 105
process against a foreign minister, &c., a violation of the....4064 106
Lawful Money,
United States notes declared..3588, 3589 47
demand-notes declared to be....3589 47
Laws,
of United States, publication of, in newspapers....79, 3825 8
promulgation of....204 79
shall be referred to in estimates ...3660 10
Secretary of State to furnish copies of, to Congressional Printer....3803 234
printing of, number of, for Secretary of State, "usual number"....3805 234
number of, printed for Congress, at close of session.... 250
for Secretary of the Interior....3808 234
rates for publishing....3825 7
how published in District of Columbia, 3826 7
extended over citizens of United States in certain countries....4086 107
League Island,
removal of Philadelphia navy-yard to.. 157
Leave of Absence, (see *Absence.*)
Leaving Station,
before regularly relieved....art. 4 15
Legations, (see *Diplomatic Officers,*)
issue of passports to American citizens at....4075 185
Letters,
secreting, embezzling, destroying, &c., 5467, 5469 214
Letters Rogatory,
to take testimony in foreign country, &c., how to be returned....875 286
issued by a foreign court, &c....4071 106
witness not required to criminate himself....4072 106
penalty of witness for contempt..4073 106
fees and mileage of witnesses....4074 106
Lewd Books,
not mailable, penalty....3893 209
Liberty,
commanding officers to favor the obedient in granting....1431 262
deprivation of, by commanding officer, art. 24 19
by summary court-martial....art. 30 66
License to Trade,
in case of insurrection....5306 133
Lieutenant-Commanders,
number of, on active list....1363 161
promotion to grade of, suspended...1363 161
excess in number of, not to vacate commissions, &c....1364 161
to what duty assignable....1435 161
pay of....1556 162
Lieutenants, (Navy,)
number of, on active list....1363 161
pay of....1556 162
Life-Saving Stations,
establishment of.... 156
medals of honor for saving life.... 156

Page.

Light-House Board,
members of 4653 157
Secretary of the Treasury ex-officio president of....4654 157
election of chairman, to preside in absence of president 4655 157
general duties and powers of the...4658 158
power of, to purchase sites for light-houses, &c....4660 158
duty of, to prepare plans, &c., of apparatus and buildings....4665 158
no contract or bid to be accepted, &c., except upon decision of, &c...4665 158
materials for construction or repair to be procured by public contracts, &c....4666 158
contracts for erection of light-houses.4667 158
duty of, to arrange coasts into light-house districts....4670 158
no additional salary on Light-House Board or on light-house service....4679 159
no member to be interested in any contract for labor, &c....4680 159
(See also *Light-Houses.*)
Lights,
to be carried by vessels between sunset and sunrise....4233 48–50
what, to be carried by different classes of vessels....4233 48–50
Light-Houses,
appropriations for, how long available....3685 12
power to purchase sites for 4660 158
none to be erected until cession of jurisdiction....4661 158
when cession deemed sufficient....4662 158
preliminary surveys for....4663 158
Line Officers,
grades of, on active list....1362 161
number in each grade....1363 161
relative rank of, with the Army ...1466 238
to rank according to date of commission....1467 238
Line of Duty,
pensions to persons injured, &c., in..4694 190
pension for loss of both feet, &c., in....4697, 4698 191
Little & Brown,
edition of laws and treaties published by, made evidence, &c....908 101
preservation of....1777 251
Liquors,
when allowed on vessels....art. 13 17
Live-Oak Timber,
land containing, to be explored and selected for use of Navy....2458 243
cutting or destroying, &c., on land reserved....2461, 5388 243, 244
vessel carrying away, forfeited 2462 243
restrictions on clearance of vessels laden with, &c....4205 244
penalties, how recovered, &c....4751 202
Loaning,
of money by paymasters forbidden..1389 6
of money by public officers forbidden 3639 96
Local Letters,
rates of postage on....3904 209
certain, to be forwarded....3937 212
Log-Books,
statement of examination of provisions, &c., to be entered in....4565 258
Lost Checks,
settlement with owner of 300 31
duplicates of, how procured....3646, 3647 32
Loss of Pay,
seamen may be sentenced to....art. 30 66
Lost Vessels,
settlement of accounts of....284 159
fixing date of loss of 286 159
settlement of accounts of seamen of..287 159
compensation to seamen for personal effects....288 160
payment to heirs of seamen, &c 289 160
compensation to officers for personal effects....290 160
continuation of pay to crews of....1574 160

Page.

Lost Vessels—Continued.
continuation of pay to crews of, lost by capture....1575 160
preservation, and sale of, lost by wreck....3755 160
aid by consuls to vessels stranded on foreign coasts....4238 281

M.

Machinery,
imported for repair free of duty....2511 127
Magazine-Keepers,
authority to discontinue....1416 181
assignment of gunners as....1416 181
Magazines, Military,
purchase of land for....1838 181
Mail,
stealing letter or packet out of....5469 214
improperly detaining, destroying, or embezzling newspapers, &c....5471 215
robbing any carrier, &c., of....5472 215
attempting to rob by assaulting, &c..5473 215
voluntarily deserting, &c....5474 215
injuring mail-bag, &c., to rob....5476 216
accessories to robbery of....5534, 5535 216
Mailable Matter,
provisions concerning....3875–3893 207
Mail-Matter,
rates of postage on newspapers....3872 207
extra postage prohibited....3873 207
divided into three classes 3875–3878 207
weight of....3879 208
wrapping and securing....3881 208
removing wrappers allowed 3882 208
inclosing letters in printed, &c....3887 208
detaining, &c., penalty for....3890 208
opening, &c., penalty for....3891 208
intercepting, &c., penalty for....3892 209
postage on third-class, to be prepaid. 3897 209
shall not be delivered till postage is paid....3900 209
rate of, when wholly or partly in writing....3903 209
penalty for removing stamps from. 3924, 3925 211
registration of valuable....3926, 3928 212
Maiming,
punishment for....5348 174
Maltreatment,
punishment for, in the Navy....art. 8 16
of persons on shore by persons in the Navy....art. 8 16
of persons taken on board of prize..art. 17 229
of crews of merchant-vessels....5347 174
Manslaughter,
provisions concerning....5341–5343 173
Manufactures of United States,
preferred in purchase of supplies...3728 58
Maps,
third-class mail-matter....3878 208
to illustrate documents....3779 233
when procured by advertisement...3780 233
Maps and Charts,
to be prepared at Hydrographic Office..432 124
disposal of moneys from sale of....433 124
Maps and Illustrations,
for public documents....3780 233
Mare Island,
pay of clerks at 1556 263
Marine Band,
extra pay to members of 1613 165
Marine Corps,
compensation for loss of effects....290 160
transfer of enlisted men from Army to 1421 261
number and constitution of....1596 162
limit not to preclude advancement for conspicuous conduct....1597 163
separation of staff and line 1598 163
qualifications for appointment....1599 163
credits for volunteer service....1600 163
rank of commandant of....1601 163
staff, rank of....1602 163
relative rank of, with the Army... 1603 163
brevet commissions to officers of ...1604 163
advancement for conspicuous conduct, 1605 163

	Page.
Marine Corps—Continued.	
advancement although grade may be full....1606	163
on receiving vote of thanks 1607	163
term of enlistment in....1608	163
oath of officers and men 1609	163
enlisted men in, exempt from arrest for debt, &c....1610	163
formation into companies, &c....1611	164
pay and allowances of 1612	164
extra pay to members of Band 1613	165
deduction of pay for hospital-fund..1614	165
rations to enlisted men of....1615	166
detachment for service....1616	166
not to exercise command over yards or vessels 1617	167
substitution of landsmen for marines,1618	167
liable to duty in forts, &c 1619	167
regulations for discipline of 1620	167
subject to laws of Navy, except, &c..1621	167
conditions of retirement in 1622	167
selection of retiring-board....1623	168
rations, &c., to 1146–1149	168
absence before acceptance of resignation ....art. 10	17
may acquire homesteads....2304	123
when to have pension 4693	189
rate of total-disability pensions 4695	190
pension according to rank, &c 4696	190
not to draw pay and pension 4724	196
admission to Hospital for the Insane,4843	129
co-operating with the Army....1135	60
on Army courts-martial....art. 78	288
Marine-Hospital Service, (see *Hospitals.*)	
Marine-Hospital Tax,	
assessment and collection of....4585	168
collection of, on vessels sold abroad 4586	168
Marines, (see *Marine Corps.*)	
payment of bounty, &c., due colored..2032	22
when entitled to bounty-land..2425–2427	24
disabled by age, &c., to have half-pay 4756	199
aid to, from surplus income of Navy pension-fund 4757	199
Marines' Clothing,	
appropriation to pay for, lost....3689	12
Marine-Schools,	
act to establish	170
Marking,	
punishment by, forbidden ....art. 49	67
Marshals.	
duty of in prize-courts....4623	223
allowances to....4645	227
Master-at-Arms,	
refusing to receive prisoners, &c..art. 8	16
Master-Workmen,	
selection of, in navy-yards....1543	181
Masters in the Navy,	
grade of....1362	161
number of, on active list....1363	161
pay of....1556	162
Materials, Stores, and Supplies,	
disposal of proceeds of....3618	253
Mathematics, (see *Professors of.*)	
Mates in the Navy,	
authority to rate as, from seamen..1408	170
not to discharge from enlistment..1409	170
pay of 1556	170
Measurement of Vessels,	
provisions relating to 4150	278
Meats, Preserved,	
procurement of 3726	58
part of ration....1580	239
Mechanics,	
day's work of, to be eight hours....3738	58
employment in navy-yard ...1543–1545	181
Medals of Honor,	
to seamen in the Navy for gallantry..1407	261
for saving life at life-saving stations, &c.	156
Medical Attendance,	
allowances for 1856	172
Medical Corps of the Navy,	
number allowed on active list 1368	171
relative rank of officers of 1474	171
rank of, gives no authority to exercise military command....1488	239
pay of....1556	171
Medical Directors in the Navy,	
number of, on active list 1368	171
relative rank of, on active list....1474	171
pay of 1556	171
Medical Inspectors in the Navy,	
number of, on active list 1368	171
relative rank of, on active list....1474	171
pay of....1556	171
Medicine and Surgery, Bureau of,	
clerks in 416	76
appointment of chief of 421–426	77
establishment of 419	77
assistant to chief of 1375	78
rank and title of the chief of....1471	78
of retired chief of....1473	78
pay of chief of 1565	78
Medicines,	
allowance to officers for....1586	172
purchases of....3721	57
Members of Congress,	
salary of ....note	52
receiving money, &c., for official services 1781	26
receiving compensation for services in any claim, &c.... 1782	27
not to be interested in contracts. 3739–3742	59
bribery of 5450	27
acceptance of bribe by, with intent, &c....5500	27
forfeiture of, by accepting bribe....5502	28
Menaces,	
punishment for using ....art. 8	16
Merchant-Seamen,	
consular officers not to receive fees, &c., for collecting wages of 1719	87
penalty for neglect of duty to, by consular officers 1736	87
alien, how may be naturalized....2174	177
when to be deemed citizens....2174	177
when entitled to protection....2174	177
articles of agreement with....4511	255
rules for shipping-articles 4512	255
certain, excepted from rules 4513	255
penalty for carrying, without articles 4514	255
for accepting seamen illegally shipped 4515	256
how deserters, &c., may be replaced..4516	256
how shipped in foreign ports 4517	256
penalty for illegally shipping 4518	256
effects, &c., of deceased, disposal of..4538	256
rules of procedure in regard to....4539	256
penalty for neglect, &c.,....4540	257
duty of consuls....4541	257
wages in foreign ports payable in gold 4548	257
majority of crew, &c., may demand survey in foreign port....4559	257
extra pay to, on discharge from unseaworthy vessel 4561	258
cost of survey, when improperly demanded, to be paid by....4562	258
remedy of, for refusal to pay extra wages 4563	268
survey, &c., of provisions, &c., may be demanded by....4565	258
forfeiture of pay for unfounded complaint of provisions by....4566	258
permission to complain guaranteed to 4567	258
destitute, care of, by consular officers 4577	259
penalty for refusal to carry....4578	259
additional allowance for carrying 4579	259
extra wages, on discharge in foreign ports 4580	259
penalty for neglect of consul to collect....4581	259
on discharge on sale of vessel....4582	259
when, may be remitted....4583	259
disposal of, by consul....4584	260
hospital-tax, assessment of....4585	168
on vessels sold abroad....4586	168
certificate of citizenship to 4588	260
protest against impressment of....4589	260
reclamation of deserters....4600	260
forcible abandonment of....5363	261

Page.

Merchant-Vessels,
not to engage in cooly-trade....2158–2163 125
may resist pirates, &c.....4295 205
complaint of unseaworthiness in foreign ports.....4559 257
report of, by inspectors.....4560 257
discharge of seamen by consul after.....4561 258
payment of cost of inspection....4562 258
refusal to pay.....4563 258
examination of, may be demanded..4565 258
forfeiture for unfounded complaint.....4566 258
seamen on, shall have facilities to complain of.....4567 258
crew-list of, shall be delivered to collector.....4573 281
shall be certified by collector.....4574 282
shall carry destitute seamen.....4578 259
seamen on, when to have extra wages on discharge.....4580 259
vessels sold abroad, extra wages to seamen on.....4582 259
hospital-tax on, sold abroad.....4586 168
proceedings on impressment of seamen on.....4589 260
Meridian,
for astronomical and nautical purposes.....435 180
Messengers,
pay of, &c., in the Departments..167–170 70
Meteorological Observations,
Secretary of War to provide for...221 81
Metric System,
of weights and measures legalized..3569 45
equivalents of.....3570 45
Mexican War,
soldiers of, entitled to warrants..2418, 2419 23
to issue to widows, &c., when....2419 23
warrants and patents, when to issue.....2423 24
officers, &c., disabled, to have pension.....4730 197
widows, &c., to have pension.....4731 197
Midshipman,
grade as a line-officer.....1362 161
graduates of the Academy, rank of..1453 177
cadet-midshipmen, graduates to be promoted to.....1521 178
pay of.....1556 179
rations, or commutation therefor, to 1577 179
Militia,
to repel invasion.....1642 288
apportion of, called into active service.....1643 288
subject to rules of war.....1644 288
Mileage,
actual expenses in lieu of..... 271
Military Command,
relative rank of staff-officers gives no authority to exercise.....1488 239
Ministers, Foreign,
jurisdiction of Supreme Court of suits of, 687–688 147
penalty for offering violence to, &c. 4062 105
process against, void.....4063 106
penalty for suing out such process 4064 106
provisions not applicable to servants of, in what cases.....4065 106
registration of names of persons in service of.....4065 106
access to lists.....4066 106
Ministers of the United States,
to China, Japan, &c., judicial authority and duty of.....4083 107
criminal jurisdiction of.....4084 107
civil jurisdiction of.....4085 107
jurisdiction of, how exercised and enforced.....4086 107
trials by, in capital cases.....4090 108
appellate jurisdiction of.....4091, 4092 108
appeals from, to circuit court of California.....4094, 4095 109
to encourage settlement of civil cases, 4098 109
may assent to settlement of certain criminal cases.....4099 109

Page.

Ministers of the United States—Continued.
may invoke aid of local authorities, when, 4100 109
may perform all acts necessary to carry out treaties.....4100 109
to issue warrants for execution in capital cases.....4103 109
postponement, &c., of execution by 4103 109
what jurisdiction of, shall be appellate, and what original.....4109 110
responsibility of, as judicial officers 4110 110
liability of, as public officers.....4110 110
when duties of, shall devolve upon Secretary of State..... 4128 112
Minister,
meaning of word, in Title FOREIGN RELATIONS.....4130 112
pension declarations may be made before 4714 195
Ministers Plenipotentiary,
shall be deemed diplomatic officers 1674 85
Ministers Resident,
term "diplomatic officers" includes 1674 85
Minors,
enlistment of, in the Navy.....1419 261
under 16 years of age forbidden..1420 261
punishment for improper enlistment of, in the Navy.....art. 19 18
who have served in Army or Navy may acquire homesteads.....2300 123
Miscellaneous Appropriations,
shall not be used for compensation..3682 11
permanent.....3689 12
Miscellaneous Receipts,
proceeds of old material, &c., shall be covered into Treasury as.....3618 253
Misconduct,
officers not to be retired for.....1456 241
but brought to trial.....1456 241
Mitigation of Sentence,
of summary court-martial.....art. 33 66
of general court-martial.....art. 54 68
Money Orders,
provisions relating to.....4032–4040 213
Moneys of the United States, (see *Public Moneys.*
Murder,
punishment for, in the Navy.....art. 6 172
trials for, by diplomatic officers, in certain countries.....4090 108
upon high seas, punishment.....5323 206
in certain places, or upon certain waters. 5339 173
delivery of body of person executed for, for dissection.....5340 173
failure to make known crime of....5390 288
Mutinous Words,
punishment for, in Navy.....art. 8 16
Mutiny,
punishment for, in the Navy.....art. 4 174
endeavor of crew of American vessel to make.....5359 174
certain acts which constitute.....5360 174
Muster-rolls,
transmission of, to Department...art. 20 18

N.

Names of Registered Vessels,
to be painted on stern.....4178 280
Names of Vessels of Navy,
rule for giving.....1531 284
two not to bear same name.....1532 284
change of names of purchased.....1533 284
Naturalization,
in foreign countries, to receive protection of the United States....2000 34
in what manner aliens may become citizens of the United States..2165, 2174 174–177
taking false oath under laws relating to, &c.....5395 177
false personation by applicant for, or by witness for applicant for, &c..5424 34
knowingly using, &c., any false certificate of citizenship.....5425 34
aiding and abetting offenses mentioned in sections 5424–5426.....5427 35

Page.

Naturalization—Continued.
knowingly using certificate of, procured through fraud 5428 35
provisions of sections 5424-5428, when applicable 5429 35
Nautical Almanac,
who to be in charge of 436 177
Nautical Books,
hydrographic office may publish 432 124
disposal of proceeds of sale of 433 124
Naval Academy,
clerk to paymaster 1386, 1556 187, 179
rank of graduates 1483 177
rank of engineer-graduates 1484 98
where established 1511 177
title of students 1512 177
number of 1513 177
nomination and selection of 1514 177
examination for admission 1515 178
renomination and re-examination. 1516 178
qualifications for admission 1517 178
illegal appointees not to be paid. 1518 178
found deficient 1519 178
academic course for 1520 178
promotion of graduates 1521 178
education of constructors and engineers 1522 178
cadet-engineers 1523 178
course of 1524 178
examination of 1525 178
course of studies and recitations ... 1526 179
selection of naval store-keeper for. 1527 179
procurement and issue of clothing .. 1527 179
assignment of professors of mathematics 1401, 1528 179, 177
pay of secretary 1556 179
rations to acting midshipmen 1577 179
act to prevent hazing 179
Naval Asylum,
pay of clerk to paymaster 1556 264
half pay in lieu of home in 4756 199
Naval Constructors,
number and appointment of 1402 179
appointment of cadet-engineers as. 1403 179
duties of 1404 179
relative rank of 1477 179
assistant, relative rank of 1477 179
education of, at Naval Academy 1522 178
pay of 1556 180
Naval Hospitals, (see *Hospitals, Navy*.)
Naval Observatory, (*Washington*,)
salary of superintendent 434 180
meridian of, for astronomical purposes 435 180
professors of mathematics to perform duty at 1401 230
Naval Solicitor,
appointment and salary 349 74
Naval Storekeepers,
appointment of, at navy-yards 1413 35
of citizens as, on foreign stations 1414 35
bonds of 1415 35
officers as, on foreign stations 1438 35
bonds of 1439 35
detail of, at Naval Academy 1527 35
allowance for travel to, on foreign stations 1566 271
pay of officers performing duty as. 1567 36
pay of civilian, on foreign stations .. 1568 36
Naval Supplies,
purchases of, to be under direction of Secretary of Navy 3714 56
provisions concerning contracts for and purchases of 3718-3732 56-58
publication of advertisements for .. 3828 8
Navigation,
rules for preventing collisions 4233 48
special circumstances to be considered 4233 48
sail-vessels to be provided with proper lights 4234 51
lights, by sail-vessel on approach of steamer 4234 51
penalty on not complying 4234 51
recovery of penalty 4234 51
pilots to be governed by State regulations 4235 204

Page.

Navigation—Continued.
employment of pilots on waters between States 4236 204
discriminating regulations of pilotage by States prohibited 4237 204
existing discriminations annulled. 4237 204
stranded vessels on foreign coasts, duty of consuls 4238 281
Navigation, Bureau of,
clerks in 416 76
establishment of 419 77
selection of chief of 421, 422 77
Navy-Agents,
appointment of 3614 21
President may increase, &c., bonds of. 3639 96
Navy Department (see *Department of the Navy*.)
Navy-Hospital Fund,
deduction from pay of marines for .. 1614 165
from pay of officers, seamen, and marines 4808 180
appropriation of fines to 4809 180
Navy-Pension Fund,
estimates of claims, &c., on, shall be submitted, &c 3667 11
Secretary of the Navy to be trustee of 4750 202
part of penalties, &c., for removing live-oak to go to 4751 202
prize-money of the United States to be part of 4752 202
investment of 4753 202
rate of interest on 4754 202
Navy-pensions shall be paid from ... 4755 202
half-pay to disabled sailors and marines, ... 4756 199
certain sailors and marines may have aid from surplus income of 4757 199
Navy-Pensions, (see *Pensions*.)
Navy-Yards,
purchase of sites for 355 181
appointment of storekeepers 1413 35
civil engineers 1413 35
authority to discontinue civil officers. 1416 181
selection of commandants 1542 181
of master-mechanics and workmen. 1543 181
of laborers 1544 181
to whom salaries may be paid 1545 181
per diem compensation 1545 181
employés in, not to contribute for political purposes 1546 181
not to be removed for political opinion, ... 1546 181
pay of clerks to commandants 1556 263
of clerks to paymasters 1556 263
arsons of dwellings within 5385 13
eight hours a day's work 3738 182
punishment for offenses committed in, ... 5391 288
Neglect of Duty,
punishment in the Navy for ..... art. 8 16
Neglect of Orders,
punishment in the Navy for ..... art. 8 16
Neutrality,
power of ministers to preserve 4090 108
accepting a commission to serve foreign state 5281 182
enlisting, &c., to serve foreign state. 5282 182
fitting out vessel to serve foreign state, ... 5283 182
issuing commission to any vessel for same purpose 5283 182
fitting out, &c, without United States, any vessel, to cruise against citizens, &c., of United States ... 5284 182
taking command of such 5284 182
increasing the force of vessel of war of foreign state 5285 183
setting on foot military expedition .. 5286 183
employment of land and naval forces for enforcement of neutrality-laws, ... 5287 183
to compel foreign vessels to depart, &c 5288 183
bonds not to cruise against citizens of state with which United States are at peace 5289 183

Page.

Neutrality—Continued.
collectors of customs to detain vessels, 5290 184
construction as to enlisting, &c., treason, piracy, &c.....5291 184
Newspapers,
publication of laws in.....79 8
expenditures for, in Departments ...192 184
for use of Departments must be filed, 192 184
amendments to Constitution to be published in.....205 79
sum to be expended for, annually, &c., 1779 184
Nitro-Glycerine,
how packed and marked for shipment, 4475 119
Nobility,
titles, &c., of, to be renounced by applicants for citizenship.....2165 175

O.

Oath,
in summary courts martial .....art. 28 65
general court-martial .....art. 40 66
courts of inquiry.....art. 58 68
Oath of Allegiance,
by aliens applying for citizenship..2165 175
by parties prosecuting claims before Departments 3478, 3479 40
Oath of Office,
general form of.....1756 184
form of, to be taken by participants in late rebellion.....1757 185
who may administer.....1758 185
where to be kept 1759 185
of marines.....1609 163
Observatory, (see *Naval Observatory*.)
Offenders,
refusal to detect, punishment for..art. 8 16
Office,
jurisdiction of courts of suits to recover possession of 563, 629 136–140
tenure of, for persons holding civil office 1767 276
suspension from, during recess of Senate 1768 276
when to remain in abeyance.....1769 276
term of, when limited by law, not to be extended 1770 276
penalty for illegally accepting or holding.....1771 276
penalty for illegally removing from, or appointing to 1772 276
notification of appointments to, without advice, &c., of the Senate .. 1774 276
report of expense of removing public, on account of sickness.. ... 1776 238
accepting consideration for procuring, forbidden 1781 26
district attorney to proceed against persons illegally holding.....1786 277
penalty for holding, &c., contrary to fourteenth amendment.....1787 277
attached to seat of government, where exercised.....1796 288
incapacity to hold, by conviction of treason.....5332 272
by engaging in rebellion or insurrection 5334 272
conspiring to prevent, from accepting or holding 5518 135
Old Material.
proceeds of, shall be deposited in Treasury, &c.....3618 253
statement of, in Book of Estimates 3672 253
Opening Bids,
notice of, and who may be present at, 3710, 3722 56, 57
Opening Letters,
unlawfully, by persons in postal service 3891 208
Opinions of the Attorney-General,
to be edited and printed, &c.....383 75
Oppression,
punishment for, in the Navy.....art. 8 16

Page.

Orders,
of chiefs of bureaus, force, &c.....420 77
punishment for disobedience of....art. 4 15
non-observance of, in battle.....art. 4 15
of Secretary to be considered regulations 1547 246
Ordnance for Navy,
purchases of, by Secretary.....3721 57
sale of old 253
Ordnance, Bureau of,
clerks and draughtsman in.....416 76
establishment of.... .....419 77
selection of chief of 421, 422 77
pay of chief of.....1565 78
Oriental Countries, (see *Cooly-Trade*.)
subjects of, not to be transported as coolies.....2158–2161 125
voluntary emigration of subjects of, not impeded.....2162 125
Ottoman Dominions, (see *Consular Courts*.)
judicial authority of United States minister and consuls in 4125 111
Outstanding Appropriations,
shall be given in estimates.....3665 9
"*Outstanding Liabilities*,"
to be covered into the Treasury.....306 31
what to be sufficient vouchers for warrants, &c.....307 31
how paid when presented.....308 32
to be reported to Secretary of Treasury..... .....310 274

P.

Pamphlets,
third-class mail-matter 3878 208
obscene, &c., not mailable.....3893 209
Pardon,
of persons having claims not to authorize payment 3480 40
when minister may submit capital case to President for ?..... .....4103 109
in case of a pecuniary and a corporal penalty 5330 173
Passed Assistant Engineer,
title of first assistant changed to..... 98
Passed Assistant Paymasters,
number of, on the active list 1376 187
promotion to grade suspended.....1377 187
order of promotion of.....1380 187
bonds of..... .....1383 187
clerks to..... .....1388 188
relative rank of, on active list 1475 188
pay of.... .....1556 188
Passed Assistant Surgeons,
relative rank of, on active list.....1474 171
pay of.....1556 171
Passengers,
on vessels of war, list of.....art. 20 18
destitute seamen in merchant-vessels, 4577 259
Passports,
clerk in charge of, to administer oaths without fee.....212 185
fee for..... 186
penalty for violation of.....4062 105
how granted and issued 4075 185
in foreign countries, how granted, &c., 4075 185
to citizens of the United States only.4076 185
returns of, to be made to Secretary of State 4077 185
penalty for issue, &c., of, unauthorized, 4078 185
vessels of United States to have....4306 281
penalty on departing without.....4307 281
for unregistered vessel sailing on sea-letter.....4308 281
deposit of, with consul, &c 4309 281
penalty on failing to do so 4310 281
falsely making, forging, &c 5423 283
Patented Articles,
for marine-engines in vessels of war.1537 284
Pay-Corps of the Navy, (see *Disbursing-Officers*,)
number and grades of, on active-list.1376 187
appointments in, by whom made....1378 187

Page.

Pay-Corps of the Navy—Continued.
acting appointments at sea, how made, &c. 1381, 1564 187, 188
bonds of officers of the 1383 187
when new, to be given 1384 187
not affected by new commissions .. 1385 187
clerks to officers of 1386, 1387, 1388 187
advances and loans by officers of 1389 188
relative rank of officers of 1475 188
rank of, gives no authority to exercise military command 1488 239
store-keeper at the Academy to be detailed from 1527 35
pay of officers of the 1556 188
Pay-Directors of the Navy,
number of, on active-list 1376 187
bonds of 1383 187
relative rank of, on active-list 1475 188
pay of 1556 188
Paymaster-General of the Navy,
Chief of Bureau of Provisions and Clothing to have title of 1471 78
pay of 1565 186
Paying off,
of crew, commanding officer to attend, art. 20 18
Paymasters in the Navy,
not to loan money 1389 6
accounts of, in case of loss or capture of vessel, how settled 284 159
jurisdiction of Court of Claims of claim for relief for loss of funds, &c. 1062 62
number of, on the active-list 1376 187
bonds of 1383 187
clerks to 1386, 1387 187
commanding officers not required to perform duty of 1432 188
relative rank of, on active-list 1475 188
detail of, as store-keeper at Naval Academy 1527 179
pay of 1556 188
pay of temporary appointment of .. 1564 188
to furnish consular certificates as to prices, &c. 3723 57
Paymasters of the Fleet,
designation and appointment of 1382 187
clerks allowed to 1386 187
Pay of the Marine Corps,
of officers and men in 1612 164
of officers on the retired-list 1274 165
Pay,
of chaplains 1556 31
of civil engineers 1556 35
commencement of, of officers examined, 1495 230
of line officers 1556 162
of cadet-engineers 1556 100
of clerks to commanders of squadrons and vessels 1556 263
to commanders of yards and stations 1556 263
to paymasters of yards and stations, 1556 263
of receiving-vessels, &c. 1556 263
to fleet-paymasters 1556 264
to paymaster at the Naval Academy, 1556 264
to paymaster at the Naval Asylum. 1556 264
to inspectors 1556 264
of officers on furlough 1557 186
of volunteer naval service 1559 186
of officers on original entry 1560 186
of officers promoted to vacancy 1561 186
of officers delayed in examination .. 1562 186
of persons temporarily performing duties of paymaster 1564 188
of chiefs of Bureaus 1565 186
of naval store-keepers, officers on foreign stations 1567 186
civilians on foreign stations 1568 186
of enlisted men of the Navy 1569 262
additional for detention beyond term. 1572 262
for re-enlisting under honorable discharge 1573 263
to crews of wrecked vessels 1574 160
to crews of captured vessels 1575 160
of officers on retired-list of the Navy. 1588 242

Page.

Pay—Continued.
of certain rear-admirals on retired list 1589 242
retired third assistant engineers .. 1590 242
of retired officers on active duty 1592 242
of officers retired on furlough-pay .. 1593 242
when general court-martial in Navy may adjudge suspension of ..... art. 48 67
deduction from pay of officers, seamen, and marines for hospital-fund. 4808 180
of officers of Medical Corps 1556 171
Pay Corps 1556 188
Engineer Corps 1556 99
of cadet-midshipmen 1556 179
naval constructors 1556 180
professors of mathematics 1556 230
warrant-officers 1556 285
Penitentiary,
for what offenses naval court-martial may adjudge imprisonment in .... art. 7 16
treatment, &c., of prisoners in. 5536, 5550 219–221
Pension Agents, (see *Pensions*.)
Pensions,
terms on which granted, time of 4692 189
who shall be entitled to 4693 189
only for injuries, &c., in line of duty. 4694 190
rate of, for total disability, period .. 4695 190
according to rank at time of disability, &c. 4696 190
for loss of both feet, &c. 4697 191
for loss of both eyes, &c. 4698 191
when increase of, to commence 4698½ 192
for disability not provided for 4699 192
absentees, under laws relating to ... 4700 192
period of service, how construed 4701 192
to widows, orphans, &c. 4702 192
increased to widows, &c. 4703 192
to children legitimate 4704 192
evidence of marriage in case of negroes, &c. 4705 192
to children abandoned by mother, &c. 4706 193
to dependent relatives 4707 193
to widows, &c., to cease on remarriage 4708 193
for injuries, &c., received after March 4, 1861 ..... 4709 193
when to be deemed to have accrued .. 4710 194
claim for arrears to be allowed 4711 194
to persons whose claim accrued prior to March 4, 1861 ..... 4712 194
for injuries, &c., received prior to March 4, 1861 ..... 4713 194
declarations of claimants for 4714 195
only one to be paid at a time 4715 195
none to persons engaged in rebellion, or to widows, &c 4716 195
claim for, not prosecuted within five years from filing 4717 195
disposal of, accrued, in case of death, &c. 4718 195
unclaimed for three years, &c. 4719 195
under special acts 4720 196
to colored soldiers as slaves 4723 196
pay at same time with, not allowed .. 4724 196
half-pay to widows, &c., continued .. 4725 196
how long 4726 196
limit as to amount of 4727 196
of Navy, prior to March 4, 1861 .... 4728 196
to Navy widows, &c., half-pay continued 4729 197
for disabilities, &c., in Mexican war. 4730 197
to widows, &c., of soldiers, &c., in Mexican war 4731 197
of war of 1812 and Indian wars ... 4732 197
pensioners on rolls, &c., to have, continued 4733 197
not to be withheld for arrears to United States 4734 197
not to widow for same time husband received 4735 197
to survivors of war of 1812 ..... 4736 198
rate of, &c. 4737 198
to widows of survivors of war of 1812. 4738 198
proofs required in cases of survivors, &c. 4739 198
loss of discharge not to prevent receiving pension 4740 198

Page.

Pensions—Continued.
to officers, &c, of revenue-cutters..4741 198
pledge, &c., of, void 4745 198
penalty for false affidavit, &c.....4746 198
not liable to attachment, &c.....4747 198
printed instructions to be furnished 4748 199
forfeiture of, by desertion 4749 84
half-rate for twenty years' service..4756 199
rate for ten years' service 4757 199
to privateersmen, fund for.....4759 203
rate of, how paid..... 4761 203
to persons who have lost arms or limbs. 201
act to equalize certain 201
increase of, to totally-disabled persons. 201
certificates of, to be forwarded to pension-agents 4768 199
attorney's fees to be deducted from..4769 199
biennial examinations 4771 199
special examinations of applicants for, 4775 200
affidavits to be taken without fee.. 4784 200
fee for prosecuting claim for 4785 200
agreement to be filed by attorneys in claim for 4786 201
to be paid to Secretary of Navy when pensioner is in Navy hospital 4813 181
false personation of person entitled to, 5435 113
endeavoring to obtain, &c., by forged power of attorney 5436 113
demanding greater compensation than allowed by law.....5485 201
wrongful withholding of, by person prosecuting claim for 5485 201
embezzlement by guardian.....5486 201
receiving or demanding, by pension-agent, &c., fee or reward.....5487 201
Peonage,
system of, abolished and prohibited. 1990 37
duty of officers in New Mexico...1991 37
holding, arresting, or returning any person to condition of 5526 265
Periodicals,
restriction on expenditures for.....1779 55
postage on, at free-delivery offices...3872 207
Perjury.
before naval court-martial.....1023 203
provisions relating to.....5392–5397 204
in procuring approval, &c., of claims, art. 14 17
Permanent Appropriations,
statement of, shall be annexed to estimates 3670 11
list of, of Navy..... .....3689 12
Personal Effects.
compensation for loss of.....288–290 160
Petty Officers of the Navy,
who shall be deemed, &c 1410 261
punishment commanding officer may inflict on ....art. 24 19
pay of, how fixed.....1569 262
Pickles for Navy
how, may be procured 3726 58
Pillory,
punishment by standing in, not to be inflicted.....5327 172
Pilotage,
discriminating rates of, prohibited .4237 204
Pilot of War-Vessels,
when, to have pension 4693 189
rate of total-disability pension to...4695 190
Pilots,
to be governed by State regulations. 4235 204
employment, on waters between two States.....4236 204
Pilot-Vessels, Sailing,
what lights to carry.....4233 49
Piracy.
jurisdiction of district court in cases of, 563 136
employment of public armed vessels to suppress 4293 205
seizure and taking into port, pirates. 4294 205
retaking vessels of United States unlawfully captured 4294 205
merchant-vessels may resist.....4295 205
may retake vessels from pirates..4295 205

Page.

Piracy—Continued.
condemnation, &c., of pirate-vessels. 4296 205
seizure of vessels fitted out for.....4297 205
what vessels may make 4298 205
custom-officers to seize 4299 206
provisions of Title NEUTRALITY not to prevent prosecution for 5291 184
accessory to, before the fact.....5323 206
after the fact.....5324, 5533 206, 207
committing, as defined by law of nations, 5368 206
making war on the sea by citizen of foreign state, declared 5374 206
Pirates,
who are to be deemed.....5369–5384 206, 207
Plundering,
punishment for, on shore.....art. 8 16
vessels in distress or wrecked, &c..5358 282
Political Purposes,
employés in navy-yard not to be required to contribute for 1546 26
dismissal for exacting contributions. 1546 26
Police Duties,
punishment by extra .....art. 30 66
Postage,
rate of, on newspapers, &c 3872 207
extra, or carrier's fees prohibited.. 3873 207
to be prepaid by stamps, unless, &c 3896 209
on matter of third class 3897 209
unpaid, on matter forwarded.....3898 209
mail-matter not to be delivered until paid 3900 209
on letters to soldiers, &c 3902 209
on letters and letter-matter..... ..3903 209
on drop-letters.....3904 209
on regular printed matter 3905 210
to be paid quarterly in advance 3906 210
on transient and miscellaneous matter. 3910 210
on clothing to soldiers.....3911 210
on foreign matter 3912 210
on irregular sea-letters. 3913 210
on newspapers and periodicals..... 210
on mailable matter of the third class ... 210
on public documents..... 211
on Congressional Record 211
on seeds, &c..... 211
Postage Stamps,
removal, re-use, &c., of, by employés. 3924 211
by other persons..... ....3925 211
Postal Cards,
penalty for unlawfully intercepting, &c..... .....3892 209
with indecent epithets, not mailable 3893 209
re-use, &c., of, by employés; penalty. 3924 211
by other persons; penalty.....3925 211
Postal Money-Orders,
provisions relating to 4032–4040 213
Postmaster-General,
appointment and term of office of....388 78
general duties and powers of.....396 78
to negotiate postal conventions.....398 79
to transmit copies to Secretary of State 399 79
to fix rates for telegrams over certain lines.....5266 270
to select appraisers in case of purchase of telegraph-lines.....5267 270
Post-Office Boxes,
to be paid for in advance 3901 209
Post-Office Department,
Postmaster-General to be head of....388 78
Assistant Postmasters-General in ...389 78
Assistant Attorney-General for.....390 78
Pound Sterling,
value fixed 3565 45
Power of Attorney,
to draw wages of enlisted men.....1576 21
to receive payment of claim 3477 40
penalty for post-dating in pension cases, 4746 198
falsely making, altering, &c.....5421 113
having in possession any false, &c..5422 113
endeavoring by means of forged, to obtain pension, prize-money, wages, &c.....5436 113

	Page.
Precedence,	
of commanding officers....1468	238
of the staff-corps....1485	239
estimating length of service for....1486	239
of staff-corps, gives no additional right to quarters....1487	239
of line and staff on boards, &c....1489	239
Premiums,	
on sale of drafts, &c....3652	33
Presents,	
to superiors in office....1784	27
Presents and Titles,	
diplomatic and consular officers not to take....1751	88
Preserved Meats,	
how, may be procured....3726	58
part of navy-ration....1580	239
Presidential Elections,	
time of appointing electors....131	216
number of electors....132	216
vacancies in electoral college....133	216
failure of State to choose electors....134	216
meeting of electoral college....135	216
list of electors to be furnished....136	216
manner of voting....137	216
certificates of votes of electors....138	216
sealing and certifying of....139	217
to whom sent....140	217
when to be sent for by Secretary of State....141	217
counting of the electoral votes....142	217
delivery of certificate in absence of President of Senate....143	217
electoral messengers, mileage of....144	217
forfeiture for neglect of duty by....145	217
vacancy in offices of President and Vice-President....146	217
notification and publication of vacancies, &c....147	217
requisites of notification of vacancies....148	217
elections to fill vacancies....149, 150	218
President of the United States,	
may change the place of meeting of Congress....34	54
election of, (see *Presidential Elections.*)	
death, &c., of, provisions in case of....146	217
resignation or refusal to accept....151	218
term of office....152	218
salary....153	218
officers of the household of, salaries....155	218
steward of the household of....156	218
authority of, in filling vacancies in Departments....179	275
power of, to suspend civil officers....1768	276
to fill vacancies happening during recess of Senate....1769	276
President's House,	
furniture for....1829	218
President's Message,	
number of, to be printed....3798	234
when to be delivered by Congressional Printer....3810	234
Prevarication,	
punishment for....art. 42	67
Printed Matter,	
rate of postage on, when marked, &c....3903	209
Printers' Fees,	
for publishing, &c....853	7
Printing and Binding,	
estimates for, by Departments....3661	10
(See *Government Printing-Office.*)	
Prisoners,	
in jail, writ of *habeas corpus* not to extend to, unless, &c....753	119
punishment of master-at-arms for refusing to receive, or suffering to escape....art. 8	16
pay and allowance of, captured by an enemy....1575	160
under United States laws may be removed in case of contagion or epidemic....4800	238
officer suffering escape of, penalty..5409	219
suffering escape of, charged with offense against foreign government..5410	219

	Page.
Prisoners—Continued.	
expenses of transportation and confinement of....5536	219
marshal may hire temporary jail for..5537	219
marshal to make other temporary provision for safe-keeping of....5538	219
convicted of offense against United States, imprisoned in State jail or penitentiary....5539	219
selection of penitentiary in another district....5540	219
sentenced for period longer than one year....5541	219
criminals sentenced at hard labor..5542	219
deduction from term of, on account of good conduct....5543	220
application of preceding section..5543, 5544	220
allowance for subsistence of....5545	220
Attorney-General to prescribe regulations for government of marshals, &c....5545	220
to designate jail or penitentiary for, prisoners....5546	220
confinement of, in house of correction.5548	220
confinement of juvenile offenders under the age of sixteen....5549	220
subsistence of juvenile offenders 5550	221
deduction from sentence of....	221
Private Acts,	
not repealed by Revised Statutes...5596	249
Private Armed Vessels,	
fund for pension to persons on....4759	203
rates of pensions to officers, &c., on 4761	203
names of disabled on, to be entered in journal....4762	203
Privateer Pension-Fund,	
Secretary of Navy to be trustee of..4758	203
how constituted....4759	203
shall be deposited in Treasury....4760	203
Privateer's Journals,	
names of persons disabled, &c., to be entered in....4762	203
transcripts of, to be sent to Secretary of Navy....4763	203
Privateersmen,	
money pledged for support of disabled....4759	203
when shall be placed on pension-list.4761	203
names of disabled, &c., to be entered in journal....4762	203
Prize,	
jurisdiction of district courts in cases of, under Title INSURRECTION..563	136
of circuit courts....629	140
of district courts after appeal....565	221
no appeal from district to circuit court in causes of....631	141
appeals to Supreme Court....695, 696	148
new evidence in causes of, on appeal....698	148
captured under laws relating to insurrection....735	154
transmission of prize-lists....art. 15	229
removal of property from vessels art. 16	229
maltreating persons taken on a..art. 17	229
provisions applicable to all captures..4613	222
definition of term "vessels of the Navy"....4614	222
duties of commanding officer making capture....4615	222
survey of captured vessel and property....4615	222
sale of such prize-property....4615	222
claim of United States to share....4616	222
duties of prize-master....4617	222
duties of district attorney....4618, 4619	222, 223
not to act as counsel for captors..4619	223
special counsel may be employed..4620	223
prize-commissioners, appointment, qualifications, and duties of..4621, 4622	223
duties of United States marshal....4623	223
survey, &c., of property taken for use of United States....4624	224
property not sent in, proceedings..4625	224
delivery on stipulation, when and how made....4626	224

Page.

Prize—Continued.
when property may be sold by order of court 4627 224
sale, how conducted....4628 224
transfer of property to another district for sale....4629 225
aggregate share of captors....4630 225
distributive shares of captors 4631 225
vessels entitled to share 4632 226
restriction on commanding officers of fleets, &c 4633 226
temporary absence not to forfeit share 4633 226
determination of shares....4634 226
bounty 4635 226
appeals and amendments....4636 226
powers after appeal 4637 226
security of costs....4638 226
costs and expenses....4639 227
how and when allowed 4640 227
how paid in case of restitution....4640 227
distribution of prize-money....4641 227
of ransom-money, salvage, bounty, &c....4642 227
assignment of prize-money....4643 227
duties of clerk of district court....4644 227
compensation allowed....4644 227
allowances, &c., marshal....4645 227
compensation of district attorney and prize-commissioner....4646 228
annual account to be rendered to Attorney-General 4647 228
maximum allowance for 4647 228
excess over amount allowed....4647 228
of special counsel for captors 4648 228
no allowance to be made except...4648 228
fees to be paid out of what fund....4649 228
commissions of auctioneers 4650 228
payment of witness-fees....4651 228
recaptures, salvage to be allowed...4652 228
restoration of vessel to the United States 4652 228
to owners in certain cases....4652 228
salvage, how payable 4652 228
distribution of salvage, method of...4652 228
prize-laws not to contravene treaties.4652 228
property employed in aid of insurrection, when lawful subject of, &c....5308 133
proceedings in such cases....5309, 5311 133
property seized upon inland waters.5310 133
false personation of person entitled to prize-money 5435 113
endeavoring to obtain, &c., prize-money by forged power of attorney..5436 113
doing any act with intent to defraud, &c., United States or captor ..5441 114

Prize-Lists,
act to correct errors in 229

Prize-Money.
officers to discourage sale of....1430 262
list of persons claiming .... art. 15 229
due colored soldiers and sailors 2032 22
to captors, appropriation for 3689 12
to be paid into the Treasury for distribution 4640 227
in case of vessels not of the Navy..4640 227
division to be made in such cases 4641 227
in case of vessels not under Navy..4641 227
assignment of, void, unless attested 4643 227
moiety of, to go to Navy pension-fund 4752 202
captured by privateers 4759 203
false personation of person entitled to 5435 113
endeavoring to obtain, &c., by forged power of attorney....5436 113

"*Proceeds of Government Property*," to be covered into Treasury....3618 253

Proclamations,
conduct to be observed toward alien enemies....4067 8
of foreign consular officers in maritime cases....4079 89
to insurgents....5300 131
of insurrection....5301 132

Profanity,
punishment for, in the Navy....art. 8 16

Page.

Professors of Mathematics in the Navy,
number of 1399 230
by whom appointed....1400 230
duties of 1401 230
relative rank of, on the active list..1480 230
for duty at the Naval Academy 1528 179
pay of....1556 230

Proof-Sheets,
when to be third-class mail-matter.3878 208

Promotion in the Marine Corps,
for gallant conduct 1605 163
on receiving vote of thanks....1607 163

Promotion in the Navy,
of seamen to warrant-officers....1407 285
to vacancies created by retired list 1458 241
of commodores on retired list.1460, 1461 241–242
of retired officers with their dates on active list....1461 242
physical examination before....1493 230
wounds not a disqualification for....1494 230
to a grade limited in number 1495 230
professional examination before..1496–1505 230
to rear-admirals in time of peace.. 1497 230
of officers for eminent conduct ...1506 231
although grade may be full....1507 231
on receiving vote of thanks....1508, 1509 231
to vacancies caused by death, &c., of officers who received vote of thanks 1510 231
commencement of pay, on....1561 231
of retired officers, not to increase pay, 1591 242

Proposal,
falsely making, altering, forging, &c., 5418 113

Proposa's for Naval Supplies,
provision concerning....3709–3724 56–57
how to be published.... 3828 8

Prostitutes,
immigration of, forbidden 126

Provisions and Clothing, Bureau of,
clerks in....416 76
establishment of....419 77
selection of Chief of....421, 425 77
pay of Chief of....1565 78
relative rank and title of the Chief of..1471 78
of retired Chief of....1473 78

Provisions for the Navy,
punishment for waste of....art. 8 16
contracts for....3718–3722 56–57

Provoking Words,
punishment for using....art. 8 16

Public Documents, (see *Government Printing-Office*,)
safe-keeping and distribution of....497 232
provisions as to distribution of..500–505 232
duties of superintendent, &c.... 508 233
postage on.... 211

Public Money.
accounts of, to be settled within fiscal year....250 5
transcripts from books, &c., of Treasury Department, evidence in suits for....886 100
in trial of indictment for embezzling, 887 100
embezzlement of, by persons in naval service....art. 14 18
no extra allowance for disbursement of, 1765 104
subject to draft of Treasurer....3593 274
special agents shall give bonds....3614 21
to be deposited without deduction, 3617–3619 252–253
to be drawn for only as required ..3620 91
how kept where there is no public depository....3620 91
to be deposited and receipted for....3621 91
accounts of, to be rendered monthly, &c 3622 91
distinct accounts of disbursement of, by appropriations 3623 92
neglect or refusal to deposit.... ...3624 92
distress-warrants, &c 3625–3638 93
to be safely kept, &c....3639 96
no advance of, shall be made....3648 7

Page.

Public Money—Continued.
exchange of, restricted....3651 32
premiums on, to be accounted for..3652 33
for use of Navy Department, how drawn....3673 11
certain, to be credited to appropriations, 3692 12
deposit of, in national banks....5153 274
embezzlement of, furnished for military, &c., service....5439 114
depositing, otherwise than authorized by law, converting, &c....5488, 5490 92–97
failure of public depositary safely to keep....5489 97
failure to render accounts as provided by law....5491 97
failure to deposit with Treasurer, &c., when so required, &c....5492 97
application of sections 5488–5492....5493 97
what shall be evidence on trial of indictment for embezzlement of....5494 97
what shall be prima-facie evidence of embezzlement of....5495 97
receiving, from disbursing officer, &c., on deposit, loan, &c., by bankers, &c....5497 98
Public Offices,
report of expenses of removing, by reason of sickness....1776 238
removal from seat of Government in case of contagious diseases..4796 237
destroying or carrying away, &c., document or record deposited in....5403, 5408 71
Public Printing, (see *Government Printing-Office.*)
Public Property,
punishment in the Navy for destruction of....art. 4 15
for not preventing destruction of art. 8 16
for wasting....art. 8 16
purchase from officer, &c., not authorized to sell....art. 14, 3490 18–41
embezzlement of, by persons in naval service....art. 14, 5438 18–113
proceeds of sales of certain, shall be covered into Treasury....3618 253
statement of proceeds of sale in book of estimates....3672 253
Public Worship,
performance of, by chaplains in the Navy....1397–1398 31
Punishments,
for offenses not specified in articles....art. 22 19
committed on shore....art. 23 19
by commanding officer....art. 24 19
to be entered on ship's log....art. 24 19
by officer temporarily commanding....art. 25 19
by summary court-martial....art. 30 65
by general courts-martial....art. 35 66
in States, &c., all persons to be subject to like....1977 36
by consular courts, method of....4101 109
for murder, insurrection, or rebellion....4102 109
for contempt, limit of....4104 110

Q.

Quarantine,
to be observed by United States officers, 4792 237
discharge of cargo of vessels in....4793 237
erection of warehouses at....4794 237
deposit of goods therein....4795 237
time for entry may be extended....4796 237
Quarreling,
punishment for, in the Navy....art. 8 16
fomenting, in the Navy....art. 8 16
Quarters,
rank of staff-officers gives no additional right to....1487 239
pusillanimously crying for, in battle, art. 4 15
Quartermaster,
of Marine Corps, rank of....1602 163

Page.

Quo Warranto,
for removal from office....563, 629 136–140

R.

Railroads,
payments, on account of transportation or freights, to be withheld, &c., (see after index—Addenda)....5260
right of company to sue in Court of Claims....5261
Rank,
of assistant surgeons absent when entitled to examination....1372 171
relative, of Army and Navy officers, 1466 238
of line-officers according to date....1467 238
of chiefs of Bureaus....1471 239
when line-officers....1472 239
of retired chiefs of Bureaus....1473 78
relative, of the Medical Corps....1474 171
of the Pay-Corps....1475 188
of Engineer-Corps....1476 98
of naval constructors....1477 179
of civil engineers....1478 35
of chaplains....1479 31
of professors of mathematics....1480 230
of retired staff-officers from age and length of service....1481 242
from causes incident to the service, 1482 242
of graduates of the Naval Academy, 1483 177
of engineer-graduates of the Naval Academy....1484 98
of line and staff on courts, &c....1489 239
assimilated, to warrant-officers..1491 239
of officers of revenue-cutter service, on duty with the Navy....1492 239
of commandant of the Marine Corps, 1601 163
of the staff of the Marine Corps..1602 163
of Marine Corps with the Army..1603 163
Ransom-Money,
distribution of....4642 227
Rape,
punished by death....5345 173
Rates of Vessels,
of the Navy....1529–1530 283
Rating,
reduction of, by commanding officer, art. 24 19
by summary court-martial....art. 30, 31 66
Rations,
to midshipmen and acting midshipmen, 1577 239
to what other persons allowed....1578 239
to whom not allowed....1579 239
constituents of....1580 239
substitutions for parts of....1581 240
diminution or variance of....1582 240
stopped, for the sick....1583 240
additional, of tea and coffee....1584 240
commutation-price of....1585 240
not allowed to retired officers....1595 240
to enlisted men of the Marine Corps 1615 166
to revenue-cutter officers....2755, 2756 245
allowance of, to Navy hospitals....4812 181
Rebellion,
militia may be called forth to suppress, 1642 288
subject to Rules and Articles of war, 1644 288
claims of persons who sustained the, not to be paid....3480 40
land and naval forces employed to suppress....5298 131
setting on foot, engaging in, &c., against United States....5334 272
Rebels,
intercourse with and receiving messages from....art. 4 15
not to be paid pension....4716 195
Recapture,
of a vessel, salvage allowed for....4652 228
Receipts,
making, &c., false, to obtain payment of claims, &c....art. 14 17

	Page.
Receipts—Continued.	
making, &c., false, by persons not in naval service to obtain claims, &c.....3490	41
falsely making, &c., to obtain money from United States.....5421	113
having in possession any false, &c., to defraud United States.....5422	113
making or using by any person of any false, to obtain claims.....5438	113
delivery of less money or property than described in.....5438	113
giving, for public property with intent, &c.....5438	113
paying, &c., a sum less than provided by law, &c.....5483	101
Rear-Admirals,	
grade of.....1362	161
number of, on active list.....1363	161
selection and promotion of, during war.....1365	161
during peace.....1366	161
promotion to grade of, in time of peace.....1497	230
pay of.....1556	162
Record,	
destroying, or carrying away any public.....5403, 5408	71
Recruiting, (see *Enlistment*.)	
to serve against United States.....5337	273
Red-Cedar Timber,	
lands containing, to be explored....2458	243
cutting or destroying, &c.....2461	243
vessels carrying away.....2462	243
Registered Letters,	
provisions relative to.....3926	212
Registry of Vessels,	
registered, to be deemed vessels of the United States, &c.....4131	277
what vessels entitled to.....4132	277
vessels owned by non-resident citizens not entitled to, &c.....4133	277
owned by non-resident naturalized citizens.....4134	278
new register on transfer to resident citizens.....4134	278
American vessel sailing under foreign flag during rebellion not entitled to.....4135	278
of foreign-built vessels wrecked and repaired in United States, when.4136	278
of vessels owned by incorporated companies, how made.....4137	278
new registry on death, &c., of president, &c., of corporation.....4138	278
measurement to be expressed in...4150	278
register-tonnage, table of classes, and rules for ascertaining.....4153	278
certificate of, to be issued by collector.....4155	279
variation of form in certain cases 4156	279
forfeiture of registered vessel, &c..4172	279
numbers for registered vessels....4177	280
names of, to be carried on stern, &c.4178	280
falsely making, forging, altering, &c.5423	283
Regulations of the Navy,	
orders, &c., to be considered.....1547	246
officers to be furnished with copy of 1548	247
punishment, for disobeying lawful art. 8	17
for discipline of the Marine Corps..1620	167
Rejection of Bids,	
for naval supplies, certaie authorized.....3722, 3724	57
Relief,	
punishment for failing in battle to afford.....art. 4	15
Relief of Destitute Seamen,	
consular officers not to receive fees, &c., on payments for.....1719	87
Remission of Sentence,	
by general court-martial.....art. 54	68
Removal from Office,	
contrary to law, penalty for.....1772	276
Repairs,	
to hull and spars of vessels.....1538	284
to sails and rigging.....1539	284

	Page.
Repeals,	
of statutes, effects of.....12, 13	248
of certain acts embraced in Revised Statutes.....5596	249
not to affect acts done, accrued rights, &c.....5597	249
offenses committed and penalties, &c., incurred prior to repeal by Revised Statutes.....5598	249
acts of limitation embraced in Revised Statutes.....5599	249
acts passed subsequent to Revised Statutes.....5601	250
Reports,	
failure or refusal of officer to make, 1760	55
of bureau-officers, &c., how to be printed, 3788	233
number of annual, to be printed....3798	234
Reprimand,	
punishment in the Navy by.....art. 24	19
not to be entered on ship's log..art. 24	19
Reproachful Words or Gestures,	
punishment in the Navy for using, art. 8	16
Requisitions,	
money to be drawn on.....3673	11
Reservations on Contracts,	
may be relinquished.....3730	58
Reserved Lands, (see *Lands*.)	
Resignation,	
to escape dismissal by court-martial, 1441	92
leaving post before acceptance of, art. 10	17
Retention,	
from pay of marines.....1614	165
Retired List of the Marine Corps,	
provisions concerning.....1622	167
Retired List of the Navy,	
retirement on own application.....1443	240
from age or length of service.....1444	240
in certain grades for disability only, 1445	240
of officers who have received vote of thanks.....1446	240
of officers not recommended for promotion.....1447	241
formation and powers of board..1448–1453	241
officers placed on, from incidents of the service.....1453	241
from other causes.....1454	241
when wholly retired.....1454	241
officers not to be placed on, without hearing.....1455	241
nor for misconduct.....1456	241
officers on, to be continued on the register, &c.....1457	241
vacancies caused by, how filled....1458	241
officers on, to be withdrawn from command, &c.....1459	241
number of rear-admirals on, by promotion.....1460	241
officers on, entitled to promotion....1461	242
employment of, in time of war....1462	242
assignment of, to squadrons.....1463	242
selection of, as flag-officers.....1464	242
restoration of, to active list.....1465	242
pay of officers on.....1588	242
of certain rear-admirals.....1589	242
of third assistant engineers.....1590	242
of officers promoted on.....1591	242
of officers on active duty.....1592	242
of officers retired on furlough-pay, 1593	242
transfer from furlough to retired pay, 1594	243
rations not allowed to officers....1595	240
Returns-Office,	
contracts to be filed in.....512	247
manner of filing returns.....513	247
index of returns, how to be kept...514	247
certified copies, how furnished.....515	247
when and how evidence.....886	101
Revenue-Marine Service,	
rank of, serving with the Navy.....1492	239
for what purpose maintained.....2747	245
number of officers and men in, &c., 2749	245
grades of engineers in, rank and pay, 2750	245
commissioned officers in, appointment, 2751	245

Page.

Revenue-Marine Service—Continued.
qualifications 2752 245
compensation 2753 245
rations 2755 245
wages of petty officers and seamen in, 2754 245
Revenue-Cutters, &c.,
for what purpose maintained, &c., 2747 245
unfit for service to be sold 2748 245
officers and men of....2749 245
when to co-operate with Navy....2757 246
for protection of the revenue 2758 246
on the lakes, to aid vessels in distress 2759 246
officers of, to be deemed officers of customs 2760 246
master of, to make weekly returns to collector, &c 2761 246
additional duties of officers of 2762 246
how distinguished, ensign and pendant of 2764 246
may fire at vessels not bringing to, 2765 246
officers, &c., of, when to have pensions, 4741 198
Revised Statute,
what are embraced in 5595 249
what acts of Congress embraced in are repealed 5596 249
repeal of acts embraced in, not to affect acts done, &c. 5597 249
prosecution and punishment of offenses under statutes embraced in.. 5598 249
acts of limitation embraced in, &c., 5599 249
classification of sections in, construction to be drawn from, &c. 5600 249
not to affect acts passed since December 1, 1873 ....5601 250
distribution of 250
editing, printing, &c., of 251
authentication of 251
Robbery,
upon high seas, accessory before the fact, 5323 206
accessory after the fact 5324 206
on high seas, &c., penalty, death....5370 206
person landing from piratical vessel, and committing robbery on shore, to suffer death 5371 206
on high seas, or in harbor, &c., out of jurisdiction of any State....5372 206
under color of commission from foreign state 5373 206
of the mail....5472 215
accessory to same, (see after index—Addenda) 5534
Rules,
for navigation of vessels....4233 48

S.

Safe-Conduct,
penalty for violation of any 4062 105
Sailing-Directions,
publication of, &c....431 124
Sailors' Letters,
prepayment not required....3902 209
Sailmakers in the Navy,
number and appointment of....1405 285
to be known as warrant-officers....1406 285
assimilated rank to....1491 285
pay of....1556 285
Salaries,
none to unauthorized officers....1760 275
to persons appointed during recess of Senate....1761 275
to persons holding office illegally....1762 275
not to be paid for two offices....1763 104
none to officers or clerks performing duties of another....1764 104
none to any person in arrears....1766 13
apportionment of, for part of year's service 2687 104
estimates for, shall be founded on express provisions of law....3662 10
Sailors in the Navy, (see also *Seamen* and *Merchant-Seamen*,)
settlement of accounts of lost vessel, 286, 287 159
compensation for personal effects....288 160
to whom paid, in case of death....289 160

Page.

Sailors in the Navy—Continued.
permanent appropriation for....3689 12
promotion of, for heroism, &c....1407 261
rating of, as mates....1408 170
not to discharge from enlistment 1409 170
appointment of, as warrant-officer, not a discharge from enlistment....1409 170
number authorized to be enlisted...1417 261
additional pay to, as firemen....1570 262
bounty, prize-money, &c., due colored, 2032 22
when to have pension....4693 189
rate of total disability, pension to. 4695 190
when not to be deemed deserters....4749 84
disabled, to have half-pay 4756 199
certain, may have aid from surplus income of Navy pension-fund..4757 199
hospital-relief for 4807, 4813 180, 181
burial, in national cemeteries....4878 28
enticing to desert, &c....5455 84
may acquire homesteads 2304 123
Sales,
of public armed vessels 1540 284
of vessels and materials 1541 284
report of to Congress 1541 284
of prize-property which cannot be taken into port 4615 222
of prize-property by order of the court, 4627, 4628 224
of prize-property transferred to another district 4629 225
of old materials 3672–3692 11–12
deposit of proceeds....3617–3618 252–253
of old ordnance.... 253
Salvage,
distribution of 4642, 4652 227–228
in certain cases of recapture....4652 228
of vessels, &c., by privateers....4759 203
Sanitary,
condition of crew to be inquired into, art. 20 18
Scandalous Conduct,
punishment for, in the Navy....art. 8 16
Sea-duty,
staff-officers, when exempt from....1436 78
Sea-Service,
definition of....1571 263
Sea-Letters,
to be issued to what vessels....4190 280
making or using any forged, &c ...4191 280
vessel sailing under, to be furnished with passport....4308 281
deposit of, with consul....4309 281
return of, by consul 4309 281
penalty for neglecting to deposit ...4310 281
falsely making, forging, altering, &c., 5423 283
Seal,
on instruments provided by law....6 248
on copies of records, &c....882–883 100
Seal of the United States,
Secretary of State to have custody of....203 79
what declared to be....1793 105
affixing of, to civil commissions....1794 105
Sealed Proposals,
for supplies, &c., how opened, &c..3710 56
for naval supplies....3718, 3722 56–57
Sedition, (see *Conspiracy*.)
Seamen, Merchant,
provisions concerning....4501–4600 253
alien serving on merchant-vessels may be naturalized, &c....2174 177
Seamen, Deserters,
neglect of duty relative to, by consular officers....1736 87
Seamen, Foreign, (see *Foreign Seamen*.)
arrest of, on application of consul..4080, 4081 89
Seamen's Clothing,
appropriation to pay for, lost....3689 12
Seat of Government of the United States,
what declared to be the permanent..1795 288
offices attached to, where to be exercised 1796 288
public offices at, may be removed in case of contagious, &c., disease....4798 238

	Page.		Page.
Second Assistant Engineers in Navy,		*Secretary of the Treasury*—Continued.	
number and rank of....1390	98	to cause accounts to be settled within fiscal year....250	5
qualifications for appointment....1392	98	reference of certain accounts by, to Court of Claims....1063	62
appointment of cadet-engineers, as..1394	99	proceedings in such cases....1064	62
relative rank of, on the active list..1476	98	judgment on accounts....1065	62
pay of....1556	99	to communicate notices of appointments without advice of the Senate.1774	276
Second Comptroller,		shall annex to estimates a statement of indefinite, &c., appropriations.3670	11
duties of.... 273	6	authority of, to compromise claims of United States....3469	82
to prescribe rules for payment of arrears....274	6	shall proclaim value of foreign coins.3564	45
to detail clerk to sign bounty-certificates....275	6	*Secretary of War,*	
to state and certify accounts of delinquent officers....3633	94	to be the head of the War Department....214	81
duty as to requisition of War and Navy Departments....3673	11	general duties of....216	81
Secretary,		to provide for meteorological observations and storm-signals....221	81
to the President, salary of....155	218	to provide for signal-stations, &c....222	81
to Admiral and Vice-Admiral....1367	263	to establish telegraph-lines connecting signal-stations....223	81
pay of....1556	263	to report on river and harbor surveys 231	81
to commanders of squadrons....1556	263	chief clerk to sign requisitions for....	81
of Naval Academy....1556	263	*Seditious Words,*	
Secretary of the Interior,		punishment for uttering....art. 8	16
to be head of Department of the Interior.... 437	73	*Seeds,*	
to prescribe duties of Assistant....439	73	transmission of, under frank....	211
general duties of....441	73	*Sentences,* (see *Courts-Martial.*)	
duties of, relating to Territories.... 442	73	*Ship-Letters,*	
charged with custody and distribution of public documents....497	232	rates of postage on....3913	210
to direct compilation of Biennial Register....510	21	receipt and delivery of....3976	210
to provide rooms for returns-office, &c., 512	247	*Shipping-Articles.*	
Secretary of the Navy,		to contain provisions as to expiration of enlistment, (Navy)....1425	262
warrants drawn by, to be countersigned, 273	6	form, terms, &c., of (merchant)....4511	255
to be head of Department....415	76	rules for making, signing, &c....4512	255
general duties of....417	76	exceptions to....4513	255
to have custody of books, &c....418	77	penalty for carrying seamen without making....4514	255
to distribute business among Bureaus, 419	77	penalty for shipping seamen without....4515	256
duties of Bureaus performed under authority of....420	77	of seamen engaged in foreign ports.4517	256
to make collection of captured flags 1554	105	consul shall indorse receipt, &c., for effects of deceased seamen on..4539	256
annual reports of....429	77	discharge of seaman deserter by consul, &c., to be entered on....4600	260
when to direct revenue-cutters....2757	246	*Shipping-Commissioners,*	
shall submit estimates of demands on naval pension-fund....3667	11	provisions concerning....4501–4508	253–255
appropriations for Navy to be under his control....3676	11	*Sick,*	
to be trustee of Navy pension-fund.4750	202	convenient place to be set apart for. art. 20	18
may mitigate, &c., penalties for destroying, &c., live-oak....4751	202	*Shore,*	
shall invest Navy pension-fund, &c.4753	202	offenses committed on, by persons of the Navy....art. 23	19
may grant aid to sailors, &c., from Navy pension-fund....4756–4757	199	*Signal-Stations,*	
shall be trustee of privateer pension-fund....4758	203	Secretary of War to provide for....222	81
charge of reserved timber lands....2458	243	*Signals,*	
Secretary of the Smithsonian Institution, (see *Smithsonian Institution.*)		to be used by pleasure-yachts....4215	288
Secretary of State,		*Silver,*	
duty of, as to vacancies in offices of President and Vice-President..147	217	transportation of, in public vessels.art.8	16
resignations of President and Vice-President to be delivered to....151	218	disbursement of....3651	32
to be head of Department of State....199	79	*Silver Coins,*	
to have charge of foreign affairs....202	79	denomination, weight, &c....3513, 3536	44
to have custody of seals and property of Department of State....203	79	*Slave-Trade,*	
to promulgate the laws....204	79	jurisdiction of circuit courts....629	140
to promulgate amendments to Constitution....205	79	limitation for finding indictment...1046	264
to prepare Revised Statutes, &c....	251	provisions relating to..5377, 5382, 5551, 5569....	264–268
to furnish Congressional Printer with copies of laws, treaties, &c...3803	234	*Sleeping on Watch,*	
to keep seal of United States, make out civil commissions, and affix seal, 1794	105	punishment for, in the Navy..... art. 4	15
Secretary of the Treasury,		*Small Stores,*	
to be the head of the Treasury Department.... 233	80	credits for loss of....284	159
not to engage in certain business....243	80	*Smithsonian Institution,*	
to prescribe duties of assistants....245	80	incorporation of....5579	268
delegation of Assistant, to sign warrants....246	80	Board of Regents of, &c....5580	268
general duties of....248	80	appointment, term of office, &c....5581	268
		organization, executive committee..5582	269
		duty of secretary of....5583	269
		reception, arrangement, &c., of objects of art, &c., for....5586	269
		Solicitor-General,	
		appointment, duties, and salary of...347	73
		may be sent to attend courts of any State.... 367	75
		when traveling, expenses of, allowed.370	75
		Solicitor, Naval, (see *Naval Solicitor.*)	

Page.

Solicitor of the Treasury,
copies of books, &c., in office of, made evidence 883 100
to bring suits against officers in arrears, 1766 13
duty in compromise of claims 3469 82
to issue distress-warrant against delinquents....3625, 3633 93, 94
Solitary Confinement,
punishment by commanding officer.art.24 19
by summary courts-martial....art. 30 66
Spanish Language,
professor of, at Naval Academy 1528 179
Specie, (see *Gold and Silver.*)
Special Agents,
to disburse public money....3614 21
Special Counsel,
employment of, to aid district attorneys, 363 75
compensation of....365 75
appointment, commission, and oath of, 366 75
Spies,
punishment of, in the Navy....art. 5 16
Spirits, Distilled,
reception on board vessels of war.art. 13 17
Squadrons,
detail of retired officers to command.1463 242
Stabbing,
with malice, upon certain waters ...5339 173
unlawfully and willfully, without malice, in certain places and on certain waters 5341 173
Staff, Marine Corps,
separate from the line....1598 163
rank of....1602 163
Staff-Officers, Navy,
when exempt from sea-duty 1436 78
right of communicating with commanding office 1470 239
relative rank of, retired from age, &c., 1481 242
retired from causes incident to the service 1482 242
precedence of, &c 1485 239
length of service of, how estimated.1486 239
no additional right to quarters 1487 239
no authority to command....1488 239
rank and precedence of, on courts, &c., 1489 289
Standard Coins,
of nations of the world, value of, &c., 3564 45
Standards,
taken by Navy from enemies....1554 105
preservation and display of....1555 105
State Department, (see *Department of State.*)
Station,
punishment for leaving, before relieved, art. 4 15
for deserting, in time of battle..art. 4 15
absence from, without leave, ...art. 8 17
Stationery,
contracts for, limited to one year...3735 58
Statutes at Large, (see *Revised Statutes,*)
edition of, &c., of Little & Brown, made evidence, &c 908 101
preservation of, and delivery to successors, by public officers....1777 251
editing and distribution of.... 250, 251
Stealing,
by persons in naval service, of public money or property ....art. 14 18
money, goods, &c., from vessel in distress, &c....5358 282
any record, writ, process, &c 5394 112
record, paper, &c., of court of justice, or deposited in any public office 5403 71
by any person, of public property, &c., 5439 114, 115
out of letter, &c., valuable inclosure.5467 214
or any letter or packet from the mail, post-office, &c....5469 214
mail-bag or other property belonging to Post-Office Department....5475 215

Page.

Steam-Engineering, Bureau of,
clerks in 416 76
establishment of 419 77
appointment of chief of....421-424 77
pay of chief of....1565 78
relative rank and title of the chief of, 1471 78
of retired chief of 1473 78
Steerage-Officers of the Navy,
ensigns to be, unless, &c....1490 239
Steering and Sailing Rules, 4233 50
Stolen Checks,
provision for paying....3647 32
Store-keepers, (see *Naval Store-keepers.*)
Stores,
for the Navy, purchase and care of .1549 56
dealing in, on private account..art. 11 17
Stores and Supplies,
disposal of proceeds of....3617, 3618 252, 253
3692 12
Stow-Aways,
vessels not to be liable for carrying.4514 255
Stranded Vessels,
protection of, by consuls, &c., on foreign coast 4238 281
Stranding Vessel,
punishment for, willfully, &c., in the Navy ....arts. 4, 8 15, 16
Striking,
superior officer in the Navy ....art. 4 15
any person in the Navy....art. 8 16
with malice, upon certain waters...5339 173
without malice, in certain places or on certain waters....5341 173
Striking the Flag,
in the Navy, without authority ...art. 4 15
Subjects, Foreign,
of countries at war with United States, not admitted to citizenship ...2171 176
Subornation of Perjury,
punishment of....5393 204
indictment of, what to set forth 5397 204
Suffrage,
officers of Army or Navy not to interfere with right of 2003 95
right of, not to be affected in any State by reason of race, color, &c...2004 95
preventing another from exercising the right of....5507, 5509 95
Summary Courts-Martial,
in Navy, by whom ordered....art. 26 65
for what offenses....art. 26 65
constitution of ....art. 27 65
recorder of ....art. 27 65
oath of members of....art. 28 65
testimony before....art. 29 65
punishments which may be inflicted by ....art. 30 65
may disrate for incompetency..art. 31 66
execution of sentence of....art. 32 66
remission of sentence of ....art. 33 66
proceedings of, how conducted art. 34 66
general courts-martial may inflict same punishment as ....art. 35 66
Sunday,
studies not to be pursued on, at Naval Academy 1526 179
Sunken Vessels, (see *Lost Vessels.*)
Superiors,
no contributions for presents to 1784 27
Superior Officer,
assaulting or striking ....art. 4 15
Supplies,
for the Navy, purchase and care of .1549 56
dealing in, on private account, forbidden ....art. 11 17
purchases, &c., of, to be under Secretary of Navy 3714 56
provisions concerning contracts for, and purchases of 3718-3747 56-60
proceeds of sale of, shall be deposited in Treasury, &c 3618 253
statement of, in book of estimates .3672 253
contracts, &c., for, shall be made after advertising....3709 56
contracts for, limited to one year..3735 58

Page.

Sureties,
when to have priority of claim against principal 3468 82
on contracts for naval supplies 3722 57
Surgeon-General of the Navy,
chief of Bureau of Medicine and Surgery to have title of 1471 78
shall receive and record evidence in certain pension-cases 4717 195
Surgeons, (Navy,)
number of, on the active list 1368 171
qualifications for appointment of ..1371 171
designation of, for fleet 1373 171
duties of 1374 171
relative rank of, on active list 1474 171
pay of 1556 171
Surplus Fund, (Treasury,)
balances of appropriations shall be carried to 3690, 3691 12
Surrendering,
treacherously yielding or ..... art. 4 15
Survey of Vessels,
may be ordered on complaint of mate and crew 4559 257
power and duties of inspectors in foreign port 4560 257
contents of report of inspectors of vessel to consular officer 4561 258
payment of cost of, in foreign port..4562 258
penalty for refusal to pay for 4563 258
of vessel or property, in prize-cases 4615 222
of prize-property taken for the use of the United States 4624 224
Surveying-Expeditions,
proceeds of materials, &c., not to be covered into Treasury 3618 253
Suspension from Duty,
punishment by ..... art. 24 19
of public officers 1762 275
Suspension from Office,
by the President 1768 276
Suspension of Pay,
adjudged by general court-martial, art. 48 67
of officers in arrears 1766 13
of civil officers suspended 1762 275

T.

Tattooing,
forbidden in the Navy ..... art. 49 67
Telegraph-Lines,
Secretary of War may establish, connecting signal-stations 223 81
over and through the public domain 5263–5269 269
between the public Departments 270
Tenure of Office,
for persons holding civil office 1767 276
Revised Statutes not to affect 5597 249
Thanks of Congress. (see *Vote of Thanks.*)
Thanksgiving, Public,
holiday in District of Columbia 121
Theft,
punishment for, in the Navy ..... art. 8 16
of public property and money 5439 114
Third Assistant Engineers of the Navy,
pay of officers retired as 1590 242
Testimony,
before either House, &c., not to be used in criminal proceedings, &c., except, &c. 859 54
taken in foreign countries 4071–4074 106
taken in consular courts 4097 109
Timber,
unlawfully cutting or destroying reserved, &c 5388 244
Timber-Inspectors,
authority to discontinue 1416 181
Timber-Lands,
selection, survey, &c., for use of Navy 2458–2463 243
Title,
of land for forts, public buildings, &c., to be examined 355 181
Tobacco for Navy,
purchase of 3721 57

Page.

Tonnage of Vessels,
provisions relating to 4153, 4154 278
Total Disability,
pension shall be granted for 4692 189
rates of pension for 4695 190
when increase to commence 4698½ 192
increase of pensions for 201
Trade-Dollar,
weight and fineness of 3513, 3514 44
devices and legends of 3517 44
Trading without License,
in States in insurrection, &c 5306 133
Traffic,
on vessels of war ..... art. 8 16
Transcripts,
to be transmitted to Supreme Court in cases of appeal 698 148
from books, &c., when evidence 886 100
evidence in trial for embezzling public money 887 100
Transfer,
of men from Army to Navy 1421 261
of contracts forbidden 3737 58
Transportation,
of gunpowder, nitro-glycerine, &c..4475 119
to persons requiring artificial limbs, &c 4791 20
Transportation for the Navy,
contracts not to exceed necessities..3732 58
of supplies, advertisements for 3718 *56
Transports,
detail of Navy officers to inspect Army 1437 283
Traveling,
allowances for, in the Navy 1566 271
actual expenses of, only allowed 271
vouchers for, to be approved by Secretary 271
Treason,
copy of indictment, &c., to be delivered to person indicted of 1033 271
right of defense by counsel 1034 272
limitation of time for finding indictment of 1043 248
provisions of Title NEUTRALITY not to prevent prosecution for 5291 184
who guilty of 5331 272
punishment of 5332 272
misprision of 5333 272
Treasurer of the United States,
not to engage in certain business 243 80
appointment and salary of 301 273
bond of 302 273
may authorize Assistant Treasurer to act in his place 304 273
duties of 305 273
to cover into the Treasury outstanding liabilities 306 31
to report accounts unchanged for three years 310 274
location, &c, of office 3591 274
public money subject to draft of ... 3593 274
Assistant, location of 3595 274
Treasury Department, (see *Department of the Treasury.*)
Treaties of United States,
copies to be furnished Congressional Printer 3803 234
jurisdiction of suits by aliens for writs in violation of 563 136
limit to jurisdiction of Court of Claims, 1066 62
printing of 3805 234
rates for publishing 3825, 3826 8
prize laws not to contravene 4652 229
making war contrary to provisions of, piracy 5374 206
Treaty Stipulations,
respecting maritime jurisdiction of foreign consular officers 4079–4081 89
respecting judicial authority of ministers and consuls 4083 107
Trusses,
to soldiers ruptured 1176 20
applications for, how made 1177 20
purchase of, by Surgeon-General 1178 20

Page.

Trust Funds,
interest on investment of (see Addenda—after index)..... 3659

U.

Uncivilized Countries,
judicial powers of consuls, &c., in...4088 108
Uniform,
retired officers entitled to wear.....1456 241
of persons in diplomatic service.....1688 86
Unseaworthy Vessels, (see *Vessels, Merchant.*)

V.

Vacancies,
in office of Senator.....16, 17 51
election to fill, in office of Representative or Delegate.....26 52
in offices of President and Vice-President.....146–150 217–218
in Departments, how filled.....177–179 275
temporary appointments to fill..180, 181 275
officer temporarily filling, not to receive extra compensation.....182 275
in case of, in office of Chief-Justice..675 146
within what time the President shall nominate persons to fill.....1768 276
occurring during recess of Senate...1769 276
Vegetables,
procurement of desiccated.....3726 58
use of, in Navy ration.....1581 240
Vessels, Merchant,
what shall be deemed, of the United States.....4131 277
officers of, to be citizens of the United States.....4131 277
that are entitled to register.....4132 277
owned by non-residents 4133 277
owned by non-residents, naturalized..4134 278
American, taking a foreign flag.....4135 278
wrecked, new register to.....4136 278
owned by corporations.....4137 278
new register, &c.....4138 278
where to be registered.....4141 278
mode of measurement of.....4150 278
exceptions.....4151 278
to what vessels limited.....4152 278
register tonnage of 4153 278
form of register of.....4155, 4156 279
sale of, to foreigners.....4172 279
system of numbering 4177 280
change of name of 4179 280
fraudulent registry of 4189 280
sea-letters for 4190 280
forged sea-letters.....4191 280
form of clearance for.....4201 280
conveyance of mails by 4203 280
conveyance of bullion, coin, &c 4204 280
tariff of fees to be charged by consuls, 4207 281
lights and fog-signals for.....4233 48–50
stranded on foreign coasts.....4238 281
passports for 4306 281
departure without, penalty.....4307 281
passports of unregistered.....4308 281
deposit of papers of, with consul ...4309 281
penalty for failure to do so.....4310 281
list of crew of, to be delivered to collector 4573, 4574 281
rules as to list of crew.....4575 282
plundering wrecked 5358 282
conspiracy to cast away.....5364 282
owner destroying.....5365 283
other persons destroying.....5366, 5367 283
forging papers of.....5423 283
Vessels of Navy,
arson of, belonging to the United States.....5387 14
when persons serving on, to have pensions.....4693 189
rate of total-disability pension to..4695 190
definition of term as used in Title PRIZE 4614 222
share in prize to be allowed to (see *Prize*).....4632 226
may be employed to protect merchant-vessels from pirates, &c.....4294 205

Page.

Vessels of Navy—Continued.
rules for navigation of.....4233 48
on foreign stations, purchases of supplies for.....3721 57
contracts in United States for supplies to.....3723 57
commanders of, may examine, &c., vessels in cooly-trade.....2163 125
authority of officer over crew of..art. 21 19
officers of, to be citizens of the United States.....1428 283
division into classes and commands..1529 283
classifications, &c., of steam.....1530 283
rule for naming 1531 284
two not to bear the same name.....1532 284
change of names of purchased.....1533 284
disposition of, in time of peace.....1534 284
officering and manning of, in time of peace.....1535 284
to cruise on coast in severe weather, 1536 284
to assist distressed navigators.....1536 284
patented articles for marine engines in 1537 284
repairs to hulls and spars of.....1538 284
to sails and rigging of.....1539 284
unfit for, sale of, by order of the President 1540 284
by Secretary of the Navy.....1541 284
report of sales of, to Congress.....1541 284
punishment for willfully stranding, art. 4 15
for willfully injuring .....art. 4 15
for negligently stranding.....art. 8 16
lost or wrecked, pay of crews of....1574 160
captured by enemy, pay of crews of..1575 160
rules for preventing collisions.....4233 48
(See also *Lost Vessels.*)
Vice-Admiral,
grade of, to cease 1362 161
number on active list.....1363 161
secretary to 1367 263
pay of.....1556 162
secretary to 1556 263
Vice-President of the United States,
election of.....131 216
death, &c., provisions in case of.....146 217
resignation or refusal to accept.....151 218
term of office, commencement, &c., of, 152 218
salary of 154 218
Volunteer Navy,
temporary acting assistant surgeons, 1411 284
officers of, transferred to Regular Navy.....1412 285
pay of officers of, ...1559 285
Volunteer Service;
marine officers to be credited with..1600 285
Vote of Thanks,
advancement of officers receiving..1508 231
effect of, on active and retired lists..1509 231
filling of vacancies on death, &c., of officers who received 1510 231
advancement of marine officers who receive 1607 163
Voters, (see *Elective Franchise.*)
Vouchers,
making or using, &c., of any false, to obtain payment of claims, &c., against United States.....art. 14 3490, 5438 17, 41, 113
penalty for passing, &c., for salary of civil officer suspended, &c....1762 275
paying sum less than provided by law, &c 5483 101

W.

Wages,
officers to discourage sale of.....1430 262
assignment of, by enlisted men....1576 21
false personation of person entitled to.....5435 113
endeavoring to obtain, by forged power of attorney.....5436 113
War,
treatment of aliens during....4067–4070 8
when deemed piracy.....5374 206
War Department, (see *Department of War.*)
Warrant of Attorney,
to receive claim on United States...3477 40

Page.

Warrant-Officers in the Navy,
number and appointment of.....1405 285
what officers to be known as.....1406 285
promotion of seamen to grade of.....1407 285
not to discharge from enlistment..1409 170
assimilated rank to.....1491 285
pay of.....1556 852
Warrants, Land, (see *Bounty Lands.*)
Warrants, (Treasury,)
examination of, by Assistant Secretary of Treasury.....245 80
delegation of Assistant Secretary to sign.....246 80
validity of, signed by Assistant Secretary.....247 80
by Secretaries of War and Navy, to be countersigned by whom.....273 6
penalty for allowing, for salary of civil officer suspended, &c.....1762 275
for money of War and Navy Departments, how issued.....3673 11
on Treasurer, form of.....3675 11
Wasting,
ammunition and other public property.....art. 8 16
Weights and Measures,
metric system of, legalized.....3569 45
equivalents of metric system.....3570 45
Widows, (see *Pensions* and *Bounty Land.*)
Watchmen,
employment of, in Departments.....169 70
pay of.....167 70
Witnesses,
in congressional investigations.....101 54
refusing to testify.....102-104 54
when not privileged.....103 54
in claims pending in Departments.184, 187 39, 40
in Court of Claims not excluded on account of color.....1078 64
claimants and persons interested, not competent as.....1079 64
testimony, to be taken where witness resides, when, &c.....1081 64
subpœnas issued for, to attend before commissioner, &c.....1082 64
cross-examination of, in cases before.....1083 64
to be sworn by commissioner taking testimony for.....1084 64
conspiracy to deter, injure, &c....1980 36
under letters rogatory.....875, 4071 286, 106
not compelled to make criminating disclosures.....4072 106
refusal to appear or answer.....4073 106
fees and mileage of.....4074 106
in consular courts, oath for Christian.....4117 111

Page.

Witnesses—Continued.
in consular courts, mode of examining.....4117 111
in prize cases, what persons to be sent in.....4615 222
commanding officer to explain any absence of.....4615 222
to be delivered to marshal by prize-master.....4617 222
fees of, how paid.....4651 228
disqualification of, by conviction of perjury.....5392 204
attendance on and fees in United States courts.....848-850 286
Women,
may be clerks in Departments.....165 70
Wood,
for Government use, inspection.3711, 3713 116
Workmen,
at navy-yard, selection of.....1543-1544 181
not to be required to contribute to political purposes.....1546 26
day's work of, to be eight hours....3738 58
Wrecked Property,
collection, &c., of.....3755 160
Wrecked Vessels, (see *Lost Vessels.*)
certain wrecked and repaired, may be registered.....4136 278
protection, &c., of, by consuls, &c., when stranded on foreign shore....4238 281
plundering, stealing, &c., effects belonging to.....5358 282
obstructing escape of any person from.....5358 282
holding out false lights to produce..5358 282

Y.

Yacht Club,
yachts, owned by foreign, granted certain privileges.....4214 287
Yachts,
license and enrollment of.....4214 287
to use signals prescribed by Secretary of Navy.....4215 288
naval architects of United States may examine and copy models of..4215 288
privileges to, owned by foreign yacht clubs.....4216 288
commissions for.....4217 288
entry of, on return from foreign country.....4218 288
Yards and Docks,
Bureau of.....419 77
civil officers in.....416 76
selection of chief of.....421-422 77
rank.....1471 239
pay.....1565 78

ADDENDA.

Title 40.

Investment of trust-funds.

SEC. 3659. All funds held in trust by the United States, and the annual interest accruing thereon, when not otherwise required by treaty, shall be invested in stocks of the United States, bearing a rate of interest not less than five per centum per annum.

Title 70, Chap. 8.

Accessory to robbery of the mail.

SEC. 5534. Every accessory after the fact to any robbery of the carrier, agent, or other person intrusted with the mail, of such mail or of any part thereof, shall be fined not more than two thousand dollars, and be imprisoned at hard labor not more than ten years. [See § 5472, p. 215.]

Title 64.

Inter-State communication.

SEC. 5258. Every railroad company in the United States, whose road is operated by steam, its successors and assigns, is hereby authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, Government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination. But this section shall not affect any stipulation between the Government of the United States and any railroad company for transportation or fares without compensation, nor impair or change the conditions imposed by the terms of any act granting lands to any such company to aid in the construction of its road, nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which such railroad or connection may be proposed. And Congress may at any time alter, amend, or repeal this section.

Compensation of directors, &c., appointed by the United States.

SEC. 5259. Whenever, in any grant of land or other subsidies, made or hereafter to be made, to railroads or other corporations, the United States has reserved the right, or shall reserve it, to appoint directors, engineers, commissioners, or other agents to examine the roads or act in conjunction with other officers of such company or companies, all the costs, charges, and pay of such directors, engineers, commissioners, or agents shall be paid by the respective companies. Such directors, engineers, commissioners, or agents shall be paid for such services the sum of ten dollars per day, for each and every day actually and necessarily employed, and ten cents per mile for each and every mile actually and necessarily traveled in discharging the duties required of them, which per diem and mileage shall be in full compensation for such services. In case any company shall refuse or neglect to make such payments, no more patents for lands or other subsidies shall be issued to such company until these requirements are complied with.

Secretary of the Treasury to withhold payment to certain railroads.

SEC. 5260. The Secretary of the Treasury is directed to withhold all payments to any railroad company and its assigns on account of freights or transportation over their respective roads of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been re-imbursed, together with the five per centum of net earnings due and unapplied, as provided by law.

Companies may sue in Court of Claims.

SEC. 5261. Any such company may bring suit in the Court of Claims to recover the price of such freight and transportation, and in such suit the right of such company to recover the same upon the law and the facts of the case shall be determined, and also the rights of the United States upon the merits of all the points presented by it in answer thereto by them; and either party to such suit may appeal to the Supreme Court; and both said courts shall give such cause or causes precedence of all other business.

Circuit court to issue mandamus.

SEC. 5262. The proper circuit court of the United States shall have jurisdiction to hear and determine all cases of mandamus to compel said Union Pacific Railroad Company to operate its road as required by law.

Title 15, Chap. 7.

Coal-depots.

SEC. 1552. The Secretary of the Navy may establish, at such places as he may deem necessary, suitable depots of coal and other fuel, for the supply of steamships of war.

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